



November 10, 1999

Mr. Keith Stretcher
City Attorney
City of Midland
300 North Loraine, Room 320
P.O. Box 1152
Midland, Texas 79702-1152

OR99-3192

Dear Mr. Stretcher:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129352.

The City of Midland (the "city") received a request for "a copy of the police report on an incident that happened on the 22nd and the 28th of August 1999." You claim that the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

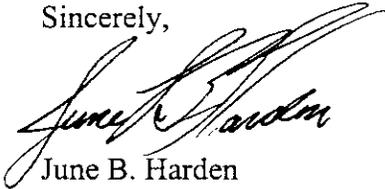
- (1) kept separate from adult files and records; and

(2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The requested police report relates to juvenile conduct that occurred after September 1, 1997. Section 58.007(c) deems the police report confidential, and section 58.007 does not provide for its release to the requestor. Accordingly, the city must withhold the police report from disclosure under section 552.101 of the Government Code.

Because we are able to resolve this matter under section 552.101, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/KEH/ch

Ref: ID# 129352

Encl. Submitted documents

cc: Ms. Mary Gambrell
P.O. Box 80761
Midland, Texas 79708
(w/o enclosures)