



November 18, 1999

Ms. Judith A. Hunter
City of Georgetown
City Attorney's Office
P.O. Box 409
Georgetown, Texas 78627-0409

OR99-3306

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130048.

The City of Georgetown (the "city") received a request for records relating to "Colby A.L. Shanklin since age 17 - POM's, felonies, misdemeanors, etc. & and papers of arrest(s)." You indicate that you have released "the upper portion of the front page of each arrest report and the front page of each offense report." You claim that portions of the submitted information are excepted from disclosure pursuant to Government Code section 552.101 in conjunction with section 58.007 of the Family Code. Additionally, you assert that the remaining submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted information.

You assert that documents you have submitted labeled as "Exhibit C" and "Exhibit D" are excepted from disclosure under Government Code section 552.101 in conjunction with section 58.007 of the Family Code. Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under Family Code section 58.007. The relevant language of section 58.007(c), as amended by the Seventy-sixth Legislature,¹ reads as follows:

¹Act of May 26, 1999, 76th Leg., R.S., ch. 815, § 1, 1999 Tex. Sess. Law Serv. 3448 (Vernon) (to be codified as an amendment to Fam. Code § 58.007).

information,² the department may withhold the requested information from disclosure based on section 552.108(a)(1). Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

Additionally, we note that Exhibit B contains documents which appear to be records filed with a court. Specifically, the documents are the affidavit for arrest, the warrant of arrest, and the misdemeanor complaint. Documents filed with a court are generally considered public and must be released. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992).

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,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/cwt

Ref: ID# 130048

Encl. Submitted documents

cc: Ms. Nona Shanklin Mauldin
408 E. 21st
Georgetown, Texas 78626
(w/o enclosures)

²The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.