



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 16, 2009

Mr. Joel H. Bennett
Assistant Criminal District Attorney
Galveston County Criminal District Attorney's Office
600 59th Street, Suite 1001
Galveston, Texas 77551-4137

OR2009-00674

Dear Mr. Bennett:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 332679.

The Galveston County Criminal District Attorney's Office (the "district attorney") received a request for the complete offense report and TDC summary related to a particular individual and case, with the exception of driver's license numbers, social security numbers, license plate numbers, and VIN numbers. You state you have no TDC summary.¹ You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records. Law enforcement records pertaining to conduct occurring before January 1, 1996 are governed by

¹We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

the former section 51.14(d), which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591 (Vernon). The submitted information pertains to juvenile conduct that occurred before January 1, 1996. Based on your representations and our review, we conclude section 51.14(d) is applicable to the submitted information. Accordingly, the district attorney must withhold the submitted information in its entirety from the requestor under section 552.101 of the Government Code in conjunction with section 51.14 of the Family Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Emily Sitton
Assistant Attorney General
Open Records Division

EBS/eeg

Ref: ID# 332679

Enc. Submitted documents

c: Requestor
(w/o enclosures)