



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 19, 2009

Mr. Jason Day  
City Attorney  
P.O. Box 638  
Royse City, Texas 75189

OR2009-02191

Dear Mr. Day:

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# 335346.

The City of Royse City (the "city") received a request for police records pertaining to a named individual. You state that the city has released some of the requested information. You claim that 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. Section 552.101 encompasses information protected by other statutes, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997 are confidential under section 58.007. For purposes of section 58.007, "child" means a person who is ten years of age or older and under seventeen years of age. *See* Fam. Code § 51.02(2). The relevant language of section 58.007 reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

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

...

(e) Law enforcement records and files concerning a child may be inspected or copied by a juvenile justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

...

(j) Before a child or a child's parent or guardian may inspect or copy a record or file concerning the child under Subsection (e), the custodian of the record or file shall redact:

(1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and

(2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law.

*Id.* § 58.007(c), (e), (j). We have reviewed the submitted information and find it pertains to juvenile delinquent conduct that occurred after September 1, 1997. Thus, the submitted information is confidential under section 58.007(c) of the Family Code.

However, we note that the requestor is a recruiter for the United States Navy (the "Navy") and we understand the juvenile named in the judgment is a potential enlistee in the Navy. Under section 58.007(e), the child may inspect law enforcement records concerning him or herself. *Id.* § 58.007(e). In this case, the Navy has provided signed, written consent from the individual at issue. Therefore, pursuant to section 58.007(e), the requestor, with the juvenile's consent, has a right to inspect juvenile law enforcement records concerning this individual. We also note that section 58.007(j)(1) requires the redaction of any personally identifiable information concerning other juvenile suspects, offenders, victims, or witnesses. *See id.* § 58.007(j)(1). We therefore conclude the city must withhold the information we have marked under section 552.101 in conjunction with section 58.007(j)(1).

Section 552.130 exempts from public disclosure information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state. *See* Gov't Code § 552.130(a)(1). We agree that the city must withhold the Texas driver's license information that you have marked in green under section 552.130.

In summary, the city must withhold the identifying information of juveniles we have marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code and the Texas driver's license number you have marked in green under section 552.130 of the Government Code. The remaining information must be released to this requestor pursuant to section 58.007(e) of the Family Code.<sup>1</sup>

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](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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/cc

Ref: ID# 335346

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>Should the city receive another request of these same records from a person who would not have a right of access to the information, the city should resubmit this same information and request another ruling from this office. *See* Gov't Code § 552.301(a).