



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 23, 2009

Mr. Adam C. Falco
Assistant City Attorney
City of College Station
P.O. Box 9960
College Station, Texas 77842

OR2009-05379

Dear Mr. Falco:

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# 340797.

The College Station Police Department (the "department") received a request for any reports related to a named individual. You claim that the requested 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 section 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. 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). Section 58.007 provides in relevant part:

(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.

Id. § 58.007(c). Upon review, we find that service numbers 98-005049 and 98-005053 are law enforcement records involving juvenile delinquent conduct that occurred after September 1, 1997. *See id.* § 51.03(a), (b) (defining “delinquent conduct” and “conduct indicating a need for supervision”). Thus, section 58.007(c) is applicable to these records. Accordingly, the department must withhold service numbers 98-005049 and 98-005053 under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

However, we find that service number 98-004667 does not pertain to a juvenile engaged in delinquent conduct or conduct indicating a need for supervision for purposes of section 58.007(c). Therefore, we find you have failed to demonstrate that service number 98-004667 consists of juvenile law enforcement records; thus, service number 98-004667 may not be withheld under section 552.101 in conjunction with section 58.007 of the Family Code.

We note that section 552.130 of the Government Code is applicable to some of the remaining submitted information.¹ Section 552.130 excepts from public disclosure information relating to a driver’s license or motor vehicle title or registration issued by an agency of this state. We have marked the information in the submitted documents that the department must withhold pursuant to section 552.130.

In summary, the department must withhold service numbers 98-005049 and 98-005053 under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. We have marked the information that the department must withhold under section 552.130 of the Government Code. The remaining submitted information must be released to the requestor.

¹The Office of the Attorney General will raise a mandatory exception like section 552.130 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 340797

Enc. Submitted documents

c: Requestor
(w/o enclosures)