



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 23, 2009

Mr. Rick Waller  
Chief of Police  
Whitehouse Police Department  
P.O. Box 776  
Whitehouse, Texas 75791

OR2009-08587

Dear Mr. Waller:

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# 346917.

The Whitehouse Police Department (the "department") received two requests for a specified incident report. 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 section encompasses information that is made confidential by statute. You raise section 51.14 of the Family Code in conjunction with section 552.101 of the Government Code. However, section 51.14 pertains only to records of juvenile offenders whose conduct occurred before January 1, 1996. *See* Fam. Code § 51.14. Here, the reported conduct took place on April 9, 2009; thus, we understand you to raise section 58.007 of the Family Code, which is the statutory successor to section 51.14 and governs records of juvenile conduct that occurred after September 1, 1997. *See id.* § 58.007. 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 find that the submitted incident report involves juveniles accused of delinquent conduct, so as to fall within the scope of section 58.007(c). *See id.* § 51.03(a)-(b) (defining "delinquent conduct" and "conduct indicating need for supervision" for purposes of title 3 of the Family Code). However, we note that each requestor is a parent of one or more of the juvenile suspects listed in the report at issue. Under section 58.007(e), the requestors may inspect or copy law enforcement records concerning their children. *Id.*

§ 58.007(e). However, personally identifiable information concerning any other juvenile suspects, offenders, victims, or witnesses must be redacted pursuant to section 58.007(j)(1) of the Family Code. *See id.* § 58.007(j)(1). We have marked the information concerning other juvenile suspects and witnesses that must be withheld from each respective requestor under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code.

Additionally, section 58.007 of the Family Code provides that information subject to any other exception to disclosure under the Act or other law must be redacted. *See id.* § 58.007(j)(2). We note that the remaining information contains information subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). However, one of the requestors is the parent of the juvenile to whom the information we have marked pertains. This requestor has a special right of access to this information, and it must be released to this requestor. *See id.* § 552.023. However, the department must withhold the information we have marked under section 552.130 of the Government Code from the remaining requestor.

In summary, (1) the department must withhold from each requestor the information we have marked in the respective documents under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code; and (2) the department must withhold the information we have marked under section 552.130 from the requestor who is not the parent of the juvenile to whom the information pertains. The remaining respective information must be released to each requestor.<sup>2</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,

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

<sup>2</sup>We note that because the information being released is confidential with regard to the general public, if the department receives another request for this information from an individual other than these requestors, the department should again seek our decision.

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,

A handwritten signature in black ink, appearing to read "Chris Sterner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher D. Sterner  
Assistant Attorney General  
Open Records Division

CDSA/eeg

Ref: ID# 346917

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)