



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 4, 2009

Mr. C. Patrick Phillips
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2009-15730

Dear Mr. Phillips:

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# 365025 (City of Fort Worth Public Information Request No. 5976-09).

The City of Fort Worth (the "city") received a request for specified criminal records. You state you have redacted certain Texas motor vehicle record information under section 552.130 of the Government Code pursuant to previous determinations issued to the city in Open Records Letter Nos. 2006-14726 (2006) and 2007-00198 (2007). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (previous determinations). 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 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 that other statutes make confidential, 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 pertinent part 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 Subchapters 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). Upon review, we agree that the submitted reports involve juveniles engaged in delinquent conduct or conduct indicating a need for supervision occurring after September 1, 1997; therefore, the submitted reports are subject to section 58.007. However, you state that the requestor informed you that he represents one of the juvenile offenders in report number 05-150854. Under section 58.007(e), the requestor has a right to inspect or copy law enforcement records on behalf of the juvenile offender he represents. *See id.* § 58.007(e). Section 58.007(j) provides, however, that any personally identifiable

information concerning other juvenile suspects, offenders, victims, or witnesses must be redacted. *See id.* § 58.007(j)(1). Accordingly, with the exception of personally identifiable information concerning the other juvenile suspect, which you have highlighted yellow pursuant to section 58.007(j)(1) of the Family Code, report number 05-150854 must be released to the requestor pursuant to section 58.007(e) of the Family Code.

We note that the requestor's client is not a juvenile offender listed in the remaining report number 06-138375. You do not indicate, nor does it appear, that any of the exceptions in section 58.007 of the Family Code apply to the remaining report. Thus, report number 06-138375 is subject to section 58.007(c), and must be withheld in its entirety under section 552.101 of the Government Code.

In summary, the city must withhold the information you have highlighted in yellow in report number 05-150854 pursuant to section 58.007(j)(1) of the Family Code and must release the remaining information in that report to this requestor pursuant to section 58.007(e) of the Family Code.¹ The city must withhold report number 06-138375 in its entirety under section 552.101 of the Government Code in conjunction with 58.007 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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

¹We note that because the requestor has a special right of access to this information in this instance, the city must again seek a decision from this office if it receives another request for the same information from another requestor.

Ref: ID# 365025

Enc. Submitted documents

c: Requestor
(w/o enclosures)