



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 29, 2009

Ms. Linda Rhodes
City Secretary
for the City of Lake Worth
3805 Adam Grubb
Lake Worth, Texas 76135-3509

OR2009-18352

Dear Ms. Rhodes:

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# 365533.

The City of Lake Worth (the "city") received a request for a copy of incident report number 0900028593. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ 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 protected by other statutes, such as Family Code section 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:

¹We note the requestor, in the request for information, agreed to exclude social security numbers, Texas driver's license numbers, and Texas license plate numbers. Thus, any of this information in the submitted documents is not responsive to the instant request, and it need not be released. Accordingly, we do not address your arguments under sections 552.130 and 552.147 of the Government Code.

- (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.

Fam. Code § 58.007(c). Under section 58.007, juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential. *See id.* § 51.03(a), (b) (defining “delinquent conduct” and “conduct indicating a need for supervision”). For purposes of section 58.007, a “child” is person who is ten years of age or older and under seventeen years of age. *See id.* § 51.02(2). Here, the two suspects in the submitted report are listed as twenty years old and seventeen years old at the time of the incident. Thus, neither of the suspects is a “child” for the purposes of section 51.02(2) of the Family Code. Therefore, the submitted police report may not be withheld under section 58.007(c) of the Family Code. *See Open Records Decision No. 478 at 2 (1987)* (language of confidentiality statute controls scope of protection). As you raise no further exceptions to disclosure, the requested information must be released.

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,



James McGuire
Assistant Attorney General
Open Records Division

JM/jb

Ref: ID# 365533

Enc. Submitted documents

c: Requestor
(w/o enclosures)