



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 8, 2013

Ms. Linda Pemberton
Paralegal
City of Killeen
P.O. Box 1329
Killeen, Texas 76540-1329

OR2013-07592

Dear Ms. Pemberton:

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# 486805 (Killeen ID# W010039).

The City of Killeen (the "city") received one request from two requestors for a specified police 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 protected by other statutes, such as section 58.007 of the Family Code, which provides, in pertinent 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 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[.]

Fam. Code § 58.007(c), (e), (j)(1). 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. *See id.* § 51.03(a) (defining "delinquent conduct"). For purposes of section 58.007(c), "child" means a person who is ten years of age or older and under seventeen years of age at the time of the incident at issue. *See id.* § 51.02(2). The submitted information involves children engaged in delinquent conduct that occurred after September 1, 1997. As such, this information is generally confidential under section 58.007(c). The submitted information reflects one of the requestors is one of the juvenile offenders and the other requestor is a parent of that juvenile offender. However, the juvenile offender at issue is now an adult. Accordingly, the requestor who is a parent no longer has a right of access to her adult child's records under section 58.007(e). *See id.* § 58.007(e). As to this requestor, it does not appear that any of the exceptions to confidentiality under section 58.007 apply. Accordingly, the city must withhold the submitted information in its entirety from the requestor who is a parent of the juvenile offender at issue under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

As previously noted, the other requestor is one of the juvenile offenders listed in the report, and is now an adult. Therefore, in accordance with section 58.007(e), the city may not use

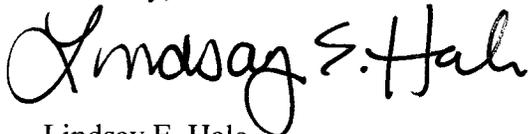
section 58.007(c) to withhold this information from this requestor. *See id.* § 58.007(e). However, section 58.007(j)(1) provides that any identifiable information about a juvenile suspect, offender, victim, or witness who is not the requestor must be redacted. *Id.* § 58.007(j)(1). For the purposes of section 58.007(j), we conclude a juvenile victim or witness is a person who is under eighteen years of age. Upon review, we conclude the city must withhold from this requestor the identifying information of the other juvenile offender and juvenile witnesses, which we have marked, under section 552.101 in conjunction with section 58.007(j)(1) of the Family Code.

In summary, the city must withhold the submitted information in its entirety from the requestor who is a parent of one of the juvenile offenders under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code and release the remaining information to the requestor who is one of the juvenile offenders.

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 486805

Enc. Submitted documents

c: Two Requestors
(w/o enclosures)