



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 27, 2014

Ms. Vanessa Burgess
Staff Attorney
Texas Juvenile Justice Department
P.O. Box 12757
Austin, Texas 78711

OR2014-01469

Dear Ms. Burgess:

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# 512050 (TJJD ORR# 23106).

The Texas Juvenile Justice Department (the "department") received a request for the video related to a specified investigation.¹ You claim the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have

¹We note the department sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

considered the exceptions you claim and reviewed the submitted representative sample of information.²

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. Section 552.101 encompasses information protected by other statutes, such as section 244.003 of the Human Resources Code. Section 244.003 provides as follows:

(a) The department shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c), these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051, and Chapter 61, Code of Criminal Procedure.

Hum. Res. Code § 244.003. The department states the video recordings at issue contain personally identifiable information relating to youths in the custody of the department and, thus, such recordings are within the scope of section 244.003. You state the requestor does not have a right of access to the information at issue under section 58.005 of the Family Code or section 244.051 of the Human Resources Code. Further, the submitted information does not indicate the requestor has a right of access to the information under Chapter 61 of the Code of Criminal Procedure or section 243.051(c) of the Human Resources Code. Based on the department's representations and our review, we find section 244.003 is applicable to the information at issue. You state the department does not have the technological capability to redact the personally identifiable information relating to the youths from the requested video footage. Therefore, we conclude the department must withhold the information at issue pursuant to section 552.101 of the Government Code in conjunction with section 244.003 of the Human Resources Code.³

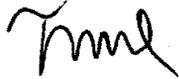
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

³As our ruling is dispositive, we do not address your other arguments to withhold this information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Tim Neal
Assistant Attorney General
Open Records Division

TN/dls

Ref: ID# 512050

Enc. Submitted documents

c: Requestor
(w/o enclosures)