



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 9, 2014

Ms. Julie P. Doshier
Counsel for City of Highland Village
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

OR2014-22266

Dear Ms. Doshier:

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# 545996 (City Ref. #68483 2014-191 and #68486 2014-192).

The Highland Village Police Department received a request for two specified police reports (the "first request"). The City of Highland Village received a request from a different requestor (the "second requestor") for a specified police report and all police reports for a specified address (the "second request"). You represent the Highland Village Police Department and the City of Highland Village (collectively, the "city") and state the city is releasing to the second requestor some of the information that is responsive to only the second request. Additionally, you state the city will withhold certain marked information pursuant to sections 552.130 and 552.147(b) of the Government Code.¹ You claim some of 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

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *Id.* § 552.147(b).

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)-(b) (defining "delinquent conduct" and "conduct indicating a need for supervision"). 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 conduct at issue. *See id.* § 51.02(2). The reports you have marked involve children engaged in delinquent conduct that occurred after September 1, 1997. As such, this information constitutes juvenile law enforcement records that are subject to section 58.007. With respect to the reports submitted as responsive to the

first request and one of the reports submitted as responsive to the second request, it does not appear that any of the exceptions to confidentiality under section 58.007 apply. Accordingly, the city must withhold from the requestor in the first request the information submitted as responsive to the first request in its entirety under section 552.101 in conjunction with section 58.007(c). Additionally, the city must withhold from the second requestor the report we have marked that was submitted as responsive to the second request under section 552.101 in conjunction with section 58.007(c).

With respect to the remaining report you have marked that was submitted as responsive to the second request, you state, and the submitted information reflects, the second requestor is a parent of one of the juvenile offenders at issue in the report. Therefore, in accordance with section 58.007(e), the city may not use section 58.007(c) to withhold this report from the second requestor. *See id.* § 58.007(e). However, section 58.007(j)(1) provides that any identifiable information about a juvenile offender who is not the requestor's child must be redacted. *Id.* § 58.007(j)(1). Thus, the city must withhold from the second requestor the information we have marked in the remaining information submitted as responsive to the second request under section 552.101 in conjunction with section 58.007(j)(1). The remaining information you have marked pertaining to the other juvenile offender is not identifying information; thus, it may not be withheld under section 552.101 in conjunction with section 58.007(j)(1). As no further exceptions to disclosure have been raised, the city must release to the second requestor the remaining information submitted as responsive to the second request.

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.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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/akg

Ref: ID# 545996

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)