



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 1, 2015

Ms. Courtney Alvarez
City Attorney
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

OR2015-10709

Dear Ms. Alvarez:

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# 565492 (City ID# 2015-179).

The City of Kingsville (the "city") received a request for "all records, police records[, and] dispositions" pertaining to the requestor. You state you have released some information to the requestor. 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 exception encompasses information other statutes make confidential, such as section 58.007(c) 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 of the Family Code). 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). Upon review, we find the submitted information involves juvenile delinquent conduct or conduct indicating a need for supervision that occurred after September 1, 1997. Therefore, the submitted information is confidential under section 58.007(c). With respect to the information that does not list the requestor as a juvenile offender, which we have marked, it does not appear any of the exceptions to confidentiality under section 58.007 apply. Thus, the city must withhold the information we have marked in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code.

However, the requestor is listed as a juvenile offender in the remaining information. As such, the requestor has a right to inspect or copy juvenile law enforcement records concerning herself pursuant to section 58.007(e) of the Family Code. *See id.* § 58.007(e).

Accordingly, the city may not withhold the remaining information from this requestor under section 552.101 in conjunction with section 58.007(c). We note you do not raise another exception to disclosure of this information. However, section 58.007(j)(1) of the Family Code states that, before information is released to a child under section 58.007(e), a custodian of records must redact any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child. *See id.* § 58.007(j)(1). Thus, in releasing the remaining information to this requestor pursuant to section 58.007(e), the city must withhold the identifying information of the other juvenile offenders, which we have marked, under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code.¹

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,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/dls

Ref: ID# 565492

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the requestor has a special right of access to the information being released pursuant to section 58.007(e) of the Family Code. *See* Fam. Code § 58.007(e). Accordingly, if the city receives another request for this information from a different requestor, the city should again seek a ruling from this office.