



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 17, 2016

Ms. Judy Hickman
Assistant Supervisor
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704-3827

OR2016-06189

Dear Ms. Hickman:

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# 602279.

The Beaumont Police Department (the "department") received a request for the video recording pertaining to a specified incident. 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.

Fam. Code § 58.007(c), (e). 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 reported conduct. *See id.* § 51.02(2). The submitted information involves an allegation of delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. *See id.* § 51.03 (defining "delinquent conduct" and "conduct indicating a need for supervision" for purposes of Fam. Code § 58.007). We note that although the requestor is a parent of one of the alleged offenders, the requestor's child was not ten years of age or older and under seventeen years of age at the time of the conduct at issue. Therefore, the requestor does not have a right of access to the submitted information under section 58.007(e). We are unable to determine the age of the second alleged offender. Therefore, we must rule conditionally. To the extent the second alleged offender at issue was ten years of age or older and under seventeen years of age at the time of the conduct, the submitted information is confidential pursuant to section 58.007(c) of the Family Code and must be withheld in its entirety under section 552.101 of the Government Code. However, to the extent the second alleged offender at issue was not ten years of age or older and under seventeen years of age at the time of the conduct, the submitted information is not confidential pursuant to section 58.007(c) and may not be withheld under section 552.101 on that basis. In that situation, we note some of the information at issue is subject to section 552.130 of the Government Code.¹ We will, therefore, consider the applicability of section 552.130 of the Government Code to the information at issue.

Section 552.130 excepts from disclosure information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1087).

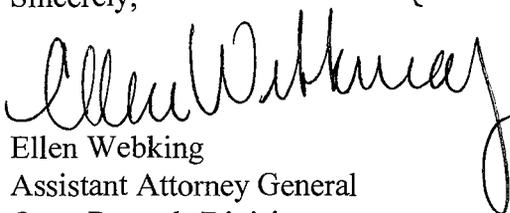
document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Some of the submitted video recordings, which we have indicated, contain motor vehicle record information that is excepted from disclosure under section 552.130. However, you state the department does not possess the technological capability to redact information from dashboard camera video recordings. Thus, we find the department must withhold the video recordings we have indicated in their entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, to the extent the second alleged offender in the submitted information was ten years of age or older and under seventeen years of age at the time of the conduct, the submitted information must be withheld in its entirety under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. Otherwise, the department must withhold the video recordings we have indicated in their entirety under section 552.130 of the Government Code and release the remaining information.

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,


Ellen Webking
Assistant Attorney General
Open Records Division

EW/bw

Ref: ID# 602279

Enc. Submitted documents

c: Requestor
(w/o enclosures)