



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 24, 2016

Ms. Akilah Mance
Counsel for City of Stafford
Olson & Olson, L.L.P.
2727 Allen Parkway, Suite 600
Houston, Texas 77019

OR2016-14378

Dear Ms. Mance:

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# 615561 (Ref. No. COC16-007).

The City of Cleveland (the "city"), which you represent, received a request for six categories of information regarding class C offenses charged in 2013, 2014, and 2015. You claim portions of the submitted information are 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. Section 552.101 encompasses section 58.007 of the Family Code, which provides in relevant 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.

Fam. Code § 58.007(c). Section 58.007(c) is applicable to records of juvenile delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. *See id.* § 51.03(a)-(b) (defining “delinquent conduct” and “conduct indicating a need for supervision” for purposes of section 58.007). 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). We note some of the information at issue relates to traffic offenses. Section 58.007 does not make information related to traffic offense confidential. *See id.* § 51.02(16) (defining traffic offense); *see also id.* § 51.03 (defining “delinquent conduct” and “conduct indicating a need for supervision”). Upon review, we agree some of the information you have marked involves delinquent conduct or conduct indicating a need for supervision that occurred after September 1, 1997. However, we are unable to determine the ages of the offenders at issue. Therefore, we must rule conditionally. If any of the offenders were ten years of age or older and under seventeen years of age at the time of the conduct at issue, then, except for the information we have marked for release, the city must withhold the information you have marked, and the information we have marked to withhold, under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. However, if any of the offenders at issue were not ten years of age or older or under seventeen years of age at the time of the conduct, then the city may not withhold the information at issue under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. In either instance, we find none of the information we have marked for release constitutes confidential law enforcement records under section 58.007(c), and none of it may be withheld under section 552.101 on that basis. As no further exceptions to disclosure have been raised, the city must 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,

A handwritten signature in black ink that reads "Britni Ramirez". The signature is written in a cursive, flowing style.

Britni Ramirez
Assistant Attorney General
Open Records Division

BR/dls

Ref: ID# 615561

Enc. Submitted documents

c: Requestor
(w/o enclosures)