



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 7, 2016

Ms. Susan Camp-Lee
Counsel for the City of Round Rock
Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, Texas 78664-5246

OR2016-12936

Dear Ms. Camp-Lee:

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# 613232.

The City of Round Rock (the "city"), which you represent, received a request for certain information pertaining to terroristic or violent threats made to Round Rock Independent School District schools in the jurisdiction of the Round Rock Police Department during a specified time period. You state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public 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. Juvenile law enforcement records relating to

¹Although you also raise section 552.108 for the submitted information, you provide no arguments explaining how this exception is applicable to the information at issue. Therefore, we assume you no longer assert this exception. See Gov't Code §§ 552.301, .302.

conduct that occurred on or after September 1, 1997, are confidential under section 58.007. Fam. Code § 58.007(c). The relevant language of section 58.007 reads as follows:

(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.

Id. 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 delinquent conduct or conduct indicating a need for supervision that occurred 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). Furthermore, most of the submitted information lists a suspect who was ten years of age or older and under seventeen years of age at the time of the conduct at issue. Thus, with the exception of report number 11-1023-0022, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. However, we are unable to determine the age of the suspect involved in report number 11-1023-0022. Thus, we must rule conditionally. Accordingly, to the extent report number 11-1023-0022 involves a suspect who was ten years of age or older and under seventeen years of age at the time of the incident at issue, then, as it does not appear any of the exceptions in section 58.007 apply, the city must withhold report number 11-1023-0022 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. However, to the extent report number 11-1023-0022 does not involve a suspect who was ten years of age or older and under seventeen years of age at the time of the incident at issue, then report number 11-1023-0022 is not confidential pursuant to section 58.007(c) of the Family Code and the city may not withhold that information under section 552.101 of the Government Code on that basis. In that instance, we will consider the applicability of other exceptions to disclosure of report number 11-1023-0022.

Section 552.101 of the Government Code also encompasses section 261.201 of the Family Code, which provides, in relevant part:

(a) [T]he following information is confidential, is not subject to public release under [the Act] and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

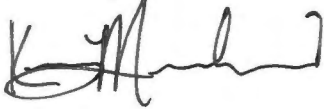
Id. § 261.201(a). Upon review, we find report number 11-1023-0022 was used or developed in an investigation of alleged or suspected child abuse or neglect. *See id.* §§ 101.003(a) (defining “child” for purposes of this section as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes), 261.001(1), (4) (defining “abuse” and “neglect” for purposes of chapter 261 of the Family Code). Accordingly, the information is within the scope of section 261.201 of the Family Code. You have not indicated the city’s police department has adopted a rule that governs the release of this type of information. Therefore, we assume no such regulation exists. Given that assumption, we conclude the city must withhold report number 11-1023-0022 under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

In summary, with the exception of report number 11-1023-0022, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. To the extent report number 11-1023-0022 involves a suspect who was ten years of age or older and under seventeen years of age at the time of the incident at issue, then the city must withhold report number 11-1023-0022 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. To the extent report number 11-1023-0022 does not involve a suspect who was ten years of age or older and under seventeen years of age at the time of the incident at issue, the city must withhold report number 11-1023-0022 under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

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, appearing to read 'Kenny Moreland', written over a horizontal line.

Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 613232

Enc. Submitted documents

c: Requestor
(w/o enclosures)