



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2016

Mr. M. Matthew Ribitzki
Deputy City Attorney
City of Burleson
141 West Renfro
Burleson, Texas 76028

OR2016-20914

Dear Mr. Ribitzki:

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# 628469 (Burleson ORR 1042/16-0474).

The City of Burleson (the "city") received a request for records concerning 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. Section 552.101 encompasses section 58.007 of the Family Code, which makes confidential juvenile law enforcement records relating to conduct by a child that occurred on or after September 1, 1997. Fam. Code § 58.007(c). Section 58.007 provides:

(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; and

(2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law.

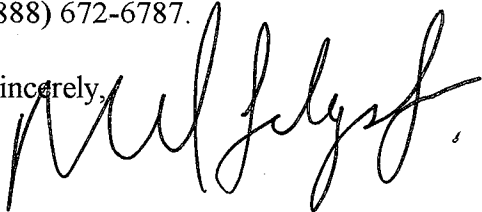
Id. § 58.007(c), (e), (j). *See also id.* § 51.02(2) (defining "child" as a person who is ten years of age or older and younger than seventeen years of age at time of reported conduct). The submitted report involves delinquent conduct by children that occurred after September 1, 1997. *See id.* § 51.03 (defining "delinquent conduct" and "conduct indicating a need for supervision" for purposes of section 58.007). We agree the submitted report is subject to section 58.007. In this instance, however, the requestor is one of the children listed in the report. Accordingly, section 58.007(e) allows him access to his own law enforcement records and the city may not withhold this information on the basis of section 58.007(c) of the Government Code. *Id.* § 58.007(e). Nonetheless, the city must redact any personally identifiable information concerning other juvenile suspects, offenders, victims, or witnesses other than the requestor under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code. *See id.* § 58.007(j)(1). For purposes of

section 58.007(j)(1), a juvenile victim or witness is a person who is younger than eighteen years of age. The city must release the remaining information to this requestor.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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 628469

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹You state the city will redact motor vehicle record information subject to section 552.130(a) of the Government Code and provide the necessary notice to the requestor. See Gov't Code § 552.130(c)-(e). You also state the city will redact dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy, as authorized by the previous determination issued to the city in Open Records Letter No. 2016-08169 (2016).