



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 26, 2019

Ms. Karol Davidson
Staff Attorney
Texas Juvenile Justice Department
P.O. Box 12757
Austin, Texas 78711

OR2019-08301

Dear Ms. Davidson:

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# 756155 (ORR# 33579).

The Texas Juvenile Justice Department (the "department") received a request for body worn camera and video surveillance recordings on a specified date during a specified time period. The department claims the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the claimed exceptions 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. Section 552.101 encompasses information protected other statutes, such as section 244.003 of the Human Resources Code. Section 244.003 provides as follows:

(a) The department shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c), these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051, and Chapter 67, Code of Criminal Procedure.

Hum. Res. Code § 244.003. The department states the submitted information contains personally identifiable information relating to youth in the custody of the department and, thus, is within the scope of section 244.003. The department represents the requestor does not have a right of access to the information at issue under section 58.005 of the Family Code, section 243.051(c) of the Human Resources Code, section 244.051 of the Human Resources Code, or chapter 67 of the Code of Criminal Procedure. Based upon these representations and our review, we find section 244.003 is applicable to the submitted information. Accordingly, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 244.003 of the Human Resources 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,



James M. Graham
Assistant Attorney General
Open Records Division

JMG/gw

Ref: ID# 756155

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.