



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 19, 2019

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

OR2019-32697

Dear Ms. Arrigucci and 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# 797695 (ORR# 34333).

The Texas Juvenile Justice Department (the "department") received a request for four categories of information pertaining to juvenile referrals, detentions, placements, and commitments during a specified time period.¹ You state the department will release some of the requested information. You claim the remaining requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.² We have also received and considered comments from the requestor. *See* Gov't Code § 552.304

¹ We note the department asked for and received clarification regarding this request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(interested party may submit comments stating why information should or should not be released).

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 58.009 of the Family Code, which provides, in relevant part:

(a) Except as provided by this section, juvenile justice information collected and maintained by the [department] for statistical and research purposes is confidential information for the use of the department and may not be disseminated by the department.

(b) Juvenile justice information consists of information of the type described by Section 58.104, including statistical data in any form or medium collected, maintained, or submitted to the [department] under Section 221.007, Human Resources Code.


Fam. Code § 58.009(a)-(b). You state the submitted information consists of juvenile justice information as defined by section 58.104 of the Family Code and information collected, maintained, and submitted to the department under section 221.007 of the Human Resources Code for statistical and research purposes. *See id.* § 58.104 (describing types of juvenile justice information collected by department), Hum. Res. Code § 221.007 (requiring juvenile boards to submit periodic financial, programmatic, and statistical reports to the department). We note under sections 58.009(c) and 58.008(d), the department may provide the information made confidential under section 58.009(a) to certain parties in relevant situations. Fam. Code § 58.009(c)-(d) (listing persons and entities to which the department may release information made confidential by section 58.009(a)). Further, the department shall provide the information made confidential under section 58.009(a) to an individual member, agency, or committee of the legislature for legislative purposes. *Id.* § 58.009(e). You state the requestor is not a person or entity authorized to access this information pursuant to section 58.009. Based on our review of the submitted information, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 58.009(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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under

the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/rm

Ref: ID# 797695.

Enc. Submitted documents

c: Requestor
(w/o enclosures)