



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

January 29, 2020

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

OR2020-02771

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# 808793 (Reference No. 34070).

The Texas Juvenile Justice Department (the "department") received a request for certain statistical information.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>2</sup> We have considered the exception you claim and reviewed the submitted information.

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<sup>1</sup> As you have not submitted a copy of the request for information, we take our description from your brief.

<sup>2</sup> We note the department failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will address the applicability of this exception to the submitted information, notwithstanding the department's violation of section 552.301 in requesting this decision.

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 also 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.<sup>3</sup>

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

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<sup>3</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.

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,

A handwritten signature in black ink, appearing to read 'Jahna Ward', with a stylized flourish at the end.

Jahna Ward  
Assistant Attorney General  
Open Records Division

JW/gw

Ref: ID# 808793

Enc. Submitted documents

c: Requestor  
(w/o enclosures)