



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2020

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

OR2020-16137

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# 835430 (ORR# W011692).

The City of Round Rock (the "city"), which you represent, received a request for three specified incident reports. The city claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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 58.008 of the Family Code, which provides, in part, the following:

(b) Except as provided by Subsection (c), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult records;

(2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the 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 Subsection (c) or Subchapter B, D, or E.

...

(d) Law enforcement records concerning a child may be inspected or copied by:

...

(4) the child's parent or guardian.

(e) Before a child or a child's parent or guardian may inspect or copy a record concerning the child under Subsection (d), the custodian of the record shall redact:

...

(2) any information that is excepted from required disclosure under [the Act], or any other law.

Fam. Code § 58.008(b), (d)(4), (e)(2); *see also id.* § 51.03(a)-(b) (defining “delinquent conduct” and “conduct indicating a need for supervision” for purposes of title 3 of Family Code). Section 58.008(b) is applicable to records of juvenile conduct that occurred before, on, or after September 1, 2017. The juvenile must have been at least 10 years old and less than 17 years of age when the conduct occurred. *See id.* § 51.02(2) (defining “child” for purposes of title 3 of Family Code). We find the submitted information involves juvenile offenders, so as to fall within the scope of section 58.008(b). Therefore, the city must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code.¹ However, the requestor may be a guardian of the juvenile offender at issue in Exhibit B. Thus, we must rule conditionally. If the requestor is not a guardian of the juvenile offender in Exhibit B, then the city must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code. If the requestor is a guardian of the juvenile offender at issue, then the requestor has access to Exhibit B pursuant to section 58.008(d) of the Family Code and the city may not withhold it under section 552.101 on the basis of section 58.008(b). *See id.* § 58.008(d). Accordingly, if the requestor is a guardian of the juvenile offender in Exhibit B, then the city must release Exhibit B to the requestor.

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.

¹ As our ruling is dispositive, we do not address the arguments of the city to withhold this information.

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/rm

Ref: ID# 835430

Enc. Submitted documents

c: Requestor
(w/o enclosures)