



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 31, 2022

Ms. Alicia K. Kreh
Counsel for the City of Euless
Taylor, Olson, Adkins, Sralla, Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2022-09473

Dear Ms. Kreh:

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# 940149.

The City of Euless (the "city"), which you represent, received a request for information pertaining to the requestor. The city states it is withholding some of the requested information pursuant to section 552.130(c) of the Government Code and Open Records Letter No. 2017-05466 (2017).¹ 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:

¹ Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor pursuant to section 552.130(e). *See id.* § 552.130(d), (e). Open Records Letter No. 2017-05466 authorizes the city to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. *See id.* § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).

(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:

...

(3) the child[.]

...

(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:

(1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child[.]

Fam. Code § 58.008(b), (d)(3), (e)(1); *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 report number 1200023134 under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code. However, the requestor, who is now an adult, is one of the juvenile offenders at issue in the remaining report and has access to this information pursuant to section 58.008(d). *See id.* § 58.008(d). Therefore, the city may not withhold the remaining information from the requestor under section 552.101 on the basis of section 58.008(b). *See id.* § 58.008(d). Section 58.008(e)(1) provides

information any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the requestor must be redacted. *See id.* § 58.008(e)(1). Upon review, we find section 58.008(e)(1) is not applicable to some of the information that the city has marked on that ground. Therefore, the city may not redact this information, which we have marked for release, pursuant to section 58.008(e)(1). Nevertheless, the city must withhold the remaining information it has marked, as well as the information we have marked, under section 552.101 of the Government Code in conjunction with section 58.008(e)(1) of the Family Code.

In summary, the city must withhold report number 1200023134 under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code. With the exception of the information we have marked for release, the city must also withhold the information marked under section 552.101 of the Government Code in conjunction with section 58.008(e)(1) of the Family Code. The city must release the remaining information.²

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jm

Ref: ID# 940149

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² Because the requestor has a special right of access to the information being released, the city must again seek a decision from this office if it receives a request for the same information from another requestor.