



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 10, 2022

Ms. Robin Hill O'Donoghue  
Counsel for Gregg County  
Flowers Davis, P.L.L.C.  
1021 ESE Loop 323, Suite 200  
Tyler, Texas 75701

OR2022-16790

Dear Ms. O'Donoghue:

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# 953157.

Gregg County (the "county") received a request for information pertaining to specified types of incidents that occurred at the Gregg County Juvenile Probation Detention Center (the "center") during a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim 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. This section encompasses information protected by other statutes, such as section 418.182 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act. Section 418.182 provides in part:

- (a) Except as provided by Subsections (b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

*Id.* § 418.182(a). The fact information may generally be related to a security system does not make the information *per se* confidential under section 418.182. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). Furthermore, the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any confidentiality provision, a governmental body asserting section 418.182 must adequately explain how the responsive information falls within the scope of the statute. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You state information submitted as Exhibit C consists of video footage from the security camera system of the center. You state the purpose of the security camera system at issue is to protect the center from acts of terrorism or related criminal activity. You state release of the video recordings at issue would reveal the clarity, range, angle, precision, and capabilities of the security cameras. Upon review, we find the video recordings at issue relate to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity. *See Tex. Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet.) (recorded images necessarily relate to specifications of security system that recorded them, and thus, are confidential under section 418.182). Accordingly, the county must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code.<sup>1</sup>

Section 552.101 of the Government Code also encompasses section 58.005 of the Family Code, which provides, in relevant part, the following:

(a) This section applies only to the inspection, copying, and maintenance of a record concerning a child and to the storage of information from which a record could be generated, including personally identifiable information, information obtained for the purpose of diagnosis, examination, evaluation, or treatment of the child or for making a referral for treatment of the child, and other records or information, created by or in the possession of:

- (1) the Texas Juvenile Justice Department;
- (2) an entity having custody of the child under a contract with the Texas Juvenile Justice Department; or
- (3) another public or private agency or institution having custody of the child under order of the juvenile court, including a facility operated by or under contract with a juvenile board or juvenile probation department.

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<sup>1</sup> As our ruling on this information is dispositive, we need not address your remaining argument against its disclosure.

(a-1) Except as provided by Article 15.27, Code of Criminal Procedure, the records and information to which this section applies may be disclosed only to:

- (1) the professional staff or consultants of the agency or institution;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child;
- (4) a governmental agency if the disclosure is required or authorized by law;
- (5) an individual or entity to whom the child is referred for treatment or services, including assistance in transitioning the child to the community after the child's release or discharge from a juvenile facility;
- (6) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;
- (7) a prosecuting attorney;
- (8) a parent, guardian, or custodian with whom a child will reside after the child's release or discharge from a juvenile facility;
- (9) a governmental agency or court if the record is necessary for an administrative or legal proceeding and the personally identifiable information about the child is redacted before the record is disclosed; or
- (10) with permission from the juvenile court, any other individual, agency, or institution having a legitimate interest in the proceeding or in the work of the court

Fam. Code § 58.005(a), (a-1). Under section 58.005 of the Family Code, a "child" means a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct. *See* Fam. Code § 51.02(2) (defining "child" for purposes of title 3 of Family Code). You inform us the remaining information pertains to children who are residents in the custody of the county. You also state you have no indication the requestor has a right of access to the information at issue under section 58.005(a-1). However, we note the information at issue does not reflect the ages of the juveniles involved. Because we are unable to determine the ages of the juveniles involved in these documents, we must rule conditionally. To the extent the remaining information pertains to children who are ten years of age or older and under seventeen years of age, it is confidential pursuant to

section 58.005(a) of the Family Code and must be withheld under section 552.101 of the Government Code. However, to the extent the remaining pertains to children who are not ten years of age or older and under seventeen years of age, the county may not withhold the remaining information under section 58.005. In that instance, the county must release the remaining information.

In summary, the county must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code. To the extent the remaining information pertains to children who are ten years of age or older and under seventeen years of age, it is confidential pursuant to section 58.005(a) of the Family Code and must be withheld under section 552.101 of the Government Code. However, to the extent the remaining information pertains to children who are not ten years of age or older and under seventeen years of age, the county must release the remaining information.

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/jm

Ref: ID# 953157

Enc. Submitted documents

c: Requestor  
(w/o enclosures)