



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 13, 2009

Ms. Cheryl K. Byles
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Sreet., 3rd Floor
Fort Worth, Texas 76102

OR2009-01961

Dear Ms. Byles:

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# 334825 (City of Fort Worth Public Information Request # 0715-09).

The City of Fort Worth (the "city") received a request for specified arrest information regarding the requestor's daughter. You state the city has redacted social security numbers pursuant to section 552.147 of the Government Code. *See* Gov't Code § 552.147.¹ You claim that portions of the submitted police reports are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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. Section 552.101 encompasses information protected by other statutes, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to delinquent conduct that occurred on or after September 1, 1997 are confidential under section 58.007. For purposes of section 58.007, "child" means a person who is ten years of

¹Section 552.147(b) of the Government Code authorizes a government body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

age or older and under seventeen years of age. *See* Fam. Code § 51.02(2). The relevant language of section 58.007 reads as follows:

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

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

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from 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 Subchapter B, D, and E.

...

(e) Law enforcement records and files concerning a child may be inspected or copied by a juvenile justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

...

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

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

(2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law.

Id. § 58.007(c), (e), (j). For purposes of section 58.007, "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 id.* § 51.02(2); *see also id.* §§ 58.007, 51.03 (defining "delinquent conduct" and "conduct indicating a need for supervision" for purposes of section 58.007). In this instance, the

submitted reports are law enforcement records of juvenile runaways; therefore, we find that these reports involve juveniles engaged in conduct in need of supervision. *See id.* § 51.03(b) (defining “conduct indicating a need for supervision” to include “the voluntary absence of a child from the child’s home without the consent of the child’s parent or guardian for a substantial length of time or without intent to return”). Thus, these reports are generally confidential under section 58.007(c). In this instance, you acknowledge that the requestor is the mother of one of the juvenile suspects listed in the submitted reports. As such, the city may not use section 58.007(c) to withhold these reports from this requestor. *Id.* § 58.007(e). However, in releasing these reports to this requestor, any personally identifiable information concerning other juvenile suspects, offenders, victims, or witnesses must be redacted. *See id.* § 58.007(j)(1). Accordingly, you have marked the identifying information of other juveniles in both reports. We agree that the city must withhold most of the information you have marked, as well as the information we marked, under section 552.101 of the Government Code in conjunction with section 58.007(j)(1). However, you have marked some information that pertains to juveniles who are not listed as suspects, offenders, victims, or witnesses. This information, which we have marked for release, is not subject to section 58.007(j)(1).

Section 58.007(j)(2) states that, with regards to information subject to section 58.007(e), the city may raise any other exceptions to disclosure under the Act or other law. *Id.* § 58.007(j)(2). We will therefore address redactions of Texas-issued driver’s license and motor vehicle record information you have made pursuant to section 552.130 of the Government Code and previous determinations issued to the city in Open Records Letter Nos. 2006-14726 (2006) and 2007-00198 (2007). *See Gov’t Code* § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). Section 552.130 of the Government Code excepts from disclosure information relating to motor vehicle registration issued by a Texas agency. *See Gov’t Code* § 552.130(a)(1), (2). We note that one of the submitted reports contains Texas license plate information that you have not redacted. Therefore, the city must withhold the Texas license plate information we have marked under section 552.130 of the Government Code.

In summary, except where marked for release, the city must withhold the information marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code. The city must also withhold the information marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.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.

²We note that because the requestor has a special right of access to this information in this instance, the city must again seek a decision from this office if it receives another request for the same information from another requestor.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 334825

Enc. Submitted documents

c: Requestor
(w/o enclosures)