



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 8, 2009

Mr. C. Patrick Phillips
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2009-07761

Dear Mr. Phillips:

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# 345231 (PIR No. 2634-09).

The City of Fort Worth (the "city") received a request for incident report number 09-28840. You state that you have redacted Texas motor vehicle information pursuant to the 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). You also state that you have redacted social security numbers pursuant to section 552.147 of the Government Code. *See* Gov't Code § 552.147(b). You claim that the remaining requested 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. Section 552.101 encompasses information that other statutes make confidential, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to 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 age or older and under seventeen years of age. *See* Fam. Code § 51.02(2). Section 58.007 provides in pertinent part 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). The submitted report involves juvenile delinquent conduct occurring after September 1, 1997; therefore, the submitted report is subject to section 58.007. However, it has been represented to the city that the requestor is the mother of one of the juvenile suspects. Parents and guardians of juveniles have a special right of access to information concerning their children pursuant to section 58.007(e) of the Family Code. Therefore, information pertaining to the requestor's child may not be withheld under

section 552.101 in conjunction with section 58.007(c) of the Family Code. *Id.* § 58.007(e). However, any personally identifiable information concerning other juvenile suspects, offenders, victims, or witnesses must be redacted. *See id.* § 58.007(j)(1). Therefore, the city must withhold the identifying information you have marked, as well as the additional identifying information we have marked, under section 58.007(j)(1) of the Family Code. Section 58.007(j) also states that a governmental body must redact any information that is excepted from disclosure under the Act. *See id.* § 58.007(j)(2). We note that the submitted information contains Texas motor vehicle record information. Accordingly, we address section 552.130 of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information that “relates to . . . a motor vehicle operator’s or driver’s license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state.” Gov’t Code § 552.130. We have marked information that is subject to section 552.130. We note, however, that section 552.130 protects privacy interests. As noted above, the submitted information reflects that the requestor may be the parent of the individual to whom the section 552.130 information pertains. Thus, the requestor may have a right of access to the Texas motor vehicle record information. *See* Gov’t Code § 552.023 (section 552.023 gives a person or the person’s authorized representative a special right of access to information that is excepted from public disclosure under laws intended to protect that person’s privacy interest as subject of the information); Open Records Decision No. 481 at 4. If the requestor is seeking the information on behalf of her child, then she has a right of access to the information at issue, and the city may not withhold any of this information under section 552.130. To the extent the requestor is not seeking the information on behalf of her child, the city must withhold the information we have marked under section 552.130.

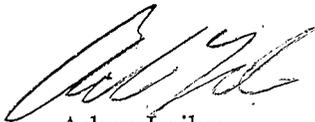
In summary, if the requestor is not the parent of one of the juvenile suspects, the entirety of the submitted information must be withheld pursuant to section 552.101 in conjunction with section 58.007 of the Family Code. If the requestor is the parent of one of the juvenile suspects, the city must withhold the identifying information you have marked, as well as the additional identifying information we have marked, under section 58.007(j)(1) of the Family Code. Further, if the requestor is seeking the information on behalf of her child, then she has a right of access to the information at issue, and the city may not withhold any of this information under section 552.130. To the extent the requestor is not seeking the information on behalf of her child, the city must withhold the information we have marked under section 552.130.

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 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,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/eeg

Ref: ID# 345231

Enc. Submitted documents

c: Requestor
(w/o enclosures)