



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 28, 2009

Mr. Warren M. S. Ernst
Chief of the General Counsel Division
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2009-12138

Dear Mr. Ernst:

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# 353756.

The City of Dallas (the "city") received a request for after-school program enrollment forms pertaining to the requestor's minor child. You claim that the requested information is excepted from disclosure under section 552.148 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.148 of the Government Code provides:

- (a) In this section, "minor" means a person younger than 18 years of age.
- (b) The following information maintained by a municipality for purposes related to the participation by a minor in a recreational program or activity is excepted from the requirements of Section 552.021:
 - (1) the name, age, home address, home telephone number, or social security number of the minor;
 - (2) a photograph of the minor; and

(3) the name of the minor's parent or legal guardian.

Gov't Code § 552.148(a), (b). The information at issue consists of a registration form for the city parks and recreation department's After-School/Summer Enrichment Program. You argue that the submitted information is excepted from disclosure pursuant to section 552.148. We note that section 552.148 was intended to protect certain personal information of persons under 18 years of age. *See* Senate Committee on State Affairs, Bill Analysis, Tex. S.B. 123, 80th Leg., R.S. (2007). Accordingly, we find that this statute protects personal privacy. Section 552.023 of the Government Code provides a person's authorized representative a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. Gov't Code § 552.023. Here, the requestor is the parent of the child whose privacy interest is implicated. Therefore, pursuant to section 552.023, the requestor has a right of access to the submitted information and it may not be withheld from him under section 552.148.

We note that the submitted documents contain information subject to section 552.130 of the Government Code.¹ Section 552.130 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(a)(1), (2). Accordingly, the city must withhold the Texas motor vehicle record information we have marked pursuant to 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.

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

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note that the information being released contains confidential information to which the requestor has a right of access. *See* Gov't Code § 552.023(a). However, if the city receives another request for this particular information from a different requestor, then the city should again seek a decision from this office.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Luttrall". The signature is written in dark ink and is positioned above the typed name.

Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 353756

Enc. Submitted documents

c: Requestor
(w/o enclosures)