



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 9, 2009

Mr. Marc J. Schnall
Attorney for City of Olmos Park
Langley & Banack
745 East Mulberry, Suite 900
San Antonio, Texas 78212-3166

OR2009-12715

Dear Mr. Schnall:

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# 354666.

The City of Olmos Park (the "city") received a request for information regarding the number of citations issued by the city's police department during a specified time period and certain information pertaining to those citations, specified city ordinances, the most recent census data, municipal court juries during a specified time period, certain city employees and their qualifications, and the municipal court docket on a specified date. You state that the city will release some of the responsive information to the requestor. You claim that the submitted information is 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. We have also received and considered comments from the requestor. *See Gov't Code § 552.304* (interested party may submit written comments regarding availability of requested 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 other statutes that make information confidential, such as section 58.007 of the Family Code, which provides for the confidentiality of juvenile law enforcement records related to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. *See Fam.*

Code §§ 58.007; 51.03(a), (b) (defining “delinquent conduct” and “conduct indicating a need for supervision”); 51.02(2) (defining “child” as a person who is ten years of age or older and under seventeen years of age at the time of the conduct); *see also* Open Records Decision No. 680 at 4 (2004). Section 58.007 provides in relevant part:

(a) This section applies only to the inspection and maintenance of a physical record or file concerning a child and the storage of information, by electronic means or otherwise, concerning the child from which a physical record or file could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B. This section does not apply to a record or file relating to a child that is:

(1) required or authorized to be maintained under the laws regulating the operation of motor vehicles in this state; [or]

(2) maintained by a municipal or justice court[.]

...

(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 Subchapters B, D, and E.

Fam. Code § 58.007(a), (c). The information you have marked in Exhibit B consists of law enforcement records maintained by the city involving juvenile conduct indicating a need for supervision that occurred after September 1, 1997. Thus, we agree that section 58.007 applies to this information. Further, although the requestor contends the information maybe subject to the exclusion in section 58.007(a), based on the city’s representations and our review, we find that the exclusions in section 58.007(a) are not applicable to the marked information. Therefore, the city must withhold this information under section 552.101 in conjunction with section 58.007.

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(a)(1), (2). Accordingly, the city must withhold the Texas motor vehicle record information you have marked, and the additional information we have marked in Exhibit C, pursuant to section 552.130 of the Government Code.

In summary, the city must withhold the information you have marked in Exhibit B pursuant to section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The city must withhold the marked information in Exhibit C under section 552.130 of the Government Code. The remaining information must be released.

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, toll free, at (888) 672-6787.

Sincerely,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 354666

Enc. Submitted documents

c: Requestor
(w/o enclosures)