



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2009

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

OR2009-14182

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# 357985 (City of Fort Worth PIR No. 4795-09).

The City of Fort Worth (the "city") received a request for incident report number 09-67498 and any other runaway reports pertaining to the requestor's child over a specified time period. You claim that 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. Section 552.101 encompasses information protected by other statutes, 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). 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 Subchapters 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). Section 58.007 is not applicable to information that relates to a juvenile as a complainant, victim, witness, or other involved party and not as a suspect or offender. Upon review, we agree that incident report number 09-67692 involves juvenile delinquent conduct and therefore falls within the scope of section 58.007(c). In this instance, however, the requestor is a parent of the juvenile involved. Therefore, under section 58.007(e), the requestor has a right to inspect law enforcement records concerning her child. *See id.* § 58.007(e). We note that the submitted information does not contain any personally identifiable information concerning a juvenile suspect, offender, victim, or witness other than the requestor's child. *See id.* § 58.007(j)(1). Furthermore, you do not contend that the report at issue is subject to any other exception to disclosure under the Act or other law. *See id.* § 58.007(j)(2). Therefore, incident report number 09-67692 must be released to the requestor in its entirety pursuant to section 58.007(e) of the Family Code. Furthermore, we find that incident report number 09-67498 pertains to a custody dispute and does not identify a juvenile engaged in delinquent conduct or conduct indicating a need for

supervision for the purposes of section 58.007. Thus, we find you have failed to demonstrate that incident report number 09-67498 constitutes a juvenile law enforcement record. Accordingly, incident report number 09-67498 may not be withheld under section 552.101 on that basis. As you raise no further exceptions to disclosure, the submitted incident reports must be released to the requestor.¹

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,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/rl

Ref: ID# 357985

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note that the information being released contains a social security number that belongs to the requestor's child along with the requestor's social security number and driver's license number, which would ordinarily not be releasable to the general public under sections 552.130 and 552.147 of the Government Code. However, the requestor, as the parent of the child at issue, has a special right of access under section 552.023 of the Government Code to the child's social security number as well as to her own Texas driver's license number and social security number. *See* Gov't Code § 552.023. (person or the parent of minor has a special right of access to information that is excepted from public disclosure under laws intended to protect that person's or that person's child's privacy interest). The city should again seek our decision if it receives another request for this information from a person other than the requestor or her authorized representative. *See* Gov't Code §§ 552.301, .302.