



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 3, 2012

Ms. Cheryl K. Byles
Assistant City Attorney
Office of the City Attorney
The City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR2012-01712

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# 445247 (W013217).

The City of Fort Worth (the "city") received a request for police report number 11-115577. You state pursuant to section 552.130(c) of the Government Code, the city has marked for redaction certain motor vehicle record information relating to living individuals other than the requestor.¹ You claim that the submitted information is excepted from disclosure under

¹Section 552.130(c) of the Government Code permits a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3), such as an individual's driver's license number, without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). You have also redacted and we have marked information subject to section 552.130(a)(2). Open Records Letter No. 2006-14726 (2006) is a previous determination authorizing the city to withhold, among other information, a Texas license plate number and a Texas license year of a motor vehicle under section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision. In addition, Open Records Letter No. 2007-00198 (2007) is a previous determination authorizing the city to withhold, among other information, vehicle identification numbers relating to a title or registration issued by an agency of the State of Texas in which a living individual owns an interest under section 552.130(a)(2), without the necessity of requesting an attorney general decision. The city may continue to redact information subject to section 552.130(a)(2) pursuant to Open Records Letter Nos. 2006-14726 and 2007-00198.

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 section 261.201 of the Family Code, which provides in pertinent part as follows:

(a) [T]he following information is confidential, is not subject to public release under [the Act] and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

...

(k) Notwithstanding Subsection (a), an investigating agency, other than the [Texas Department of Family and Protective Services] or the Texas Youth Commission, on request, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

(l) Before a child or a parent, managing conservator, or other legal representative of a child may inspect or copy a record or file concerning the child under Subsection (k), the custodian of the record or file must redact:

(1) any personally identifiable information about a victim or witness under 18 years of age unless that victim or witness is:

(A) the child who is the subject of the report;
or

(B) another child of the parent, managing conservator, or other legal representative requesting the information;

(2) any information that is excepted from required disclosure under [the Act], or other law; and

(3) the identity of the person who made the report.

Fam. Code § 261.201(a), (k), (l). Upon review, we find the submitted information consists of information used or developed in an investigation under chapter 261. *See id.* § 261.001(1) (defining “abuse” and “neglect” for purposes of Fam. Code ch. 261). Accordingly, we find the submitted information is subject to section 261.201 of the Family Code.

The requestor is the parent of the children who are the victims listed in the submitted information, and is not alleged to have committed the suspected abuse. Thus, the city may not use section 261.201(a) to withhold the information at issue from this requestor. *Id.* § 261.201(k). The city must withhold the identifying information of the reporting party, which we have marked, under section 552.101 in conjunction with section 261.201(l)(3) of the Family Code. You raise no provision under the Act or other law as an exception to the disclosure of the remaining information. Thus, we conclude, with the exception of the information we have marked that reveals the reporting party’s identity, which the city must withhold under section 552.101 of the Government Code in conjunction with section 261.201(l)(3) of the Family Code, and the information the city must withhold under section 552.130, the city must release the information at issue 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

²The requestor in this instance has a special right of access under section 261.201 of the Family Code to the information being released. Thus, if the department should receive another request for this information from a different requestor, the department must again request an opinion from this office.

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,

A handwritten signature in black ink, appearing to read "Kay Hastings". The signature is written in a cursive style with a large, looping initial "K".

Kay Hastings
Assistant Attorney General
Open Records Division

KH/som

Ref: ID# 445247

Enc. Submitted documents

c: Requestor
(w/o enclosures)