



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 21, 2014

Ms. Andrea Russell  
Counsel for the City of Southlake  
Taylor Olson Adkins Sralla Elam, L.L.P.  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107

OR2014-04823

Dear Ms. Russell:

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# 517397.

The City of Southlake (the "city") received a request for information pertaining to a specified incident involving a named individual. You claim some of the submitted information is excepted from disclosure under section 552.130 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."<sup>1</sup> Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to delinquent conduct that occurred on or after September 1, 1997 are confidential under section 58.007. Fam. Code § 58.007(c). 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,

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

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.

*Id.* § 58.007(c). For purposes of section 58.007(c), “child” means a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct. *See id.* § 51.02(2). The submitted information involves allegations of delinquent conduct that occurred after September 1, 1997. *See id.* § 51.03 (defining “delinquent conduct” for purposes of Fam. Code § 58.007). However, we are unable to determine the age of the offender in the submitted information. Accordingly, we must rule conditionally. To the extent the alleged offender was ten years of age or older and under seventeen years of age at the time of the reported conduct, the requested information is confidential under section 58.007(c) and must be withheld in its entirety under section 552.101 of the Government Code. However, to the extent the alleged offender was not ten years of age or older and under seventeen years of age at the time of the reported conduct, the requested information is not confidential under section 58.007(c) and may not be withheld under section 552.101 of the Government Code on that basis. In that instance, we will address your argument under section 552.130 of the Government Code for the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s or driver’s license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov’t Code § 552.130(a). Upon review, we find the submitted video and audio recordings contain information subject to section 552.130. You inform us the city does not have the technological capability to redact the motor vehicle record information from the recordings at issue. Accordingly, the city must withhold the submitted video recordings in their entireties under section 552.130. However, because the city had the ability to copy the submitted audio recording for our review, we believe the city has the capability to produce a copy of only the non-confidential portions of the audio recording. Therefore, we find the city must withhold the license plate information in the submitted audio recording under section 552.130 of the Government Code. The city must release the remaining information in the audio recording.

In summary, to the extent the named individual was ten years of age or older and under seventeen years of age at the time of the reported conduct, the city must withhold the requested information under section 58.007(c) of the Family Code in conjunction with section 552.101 of the Government Code. In the instance the named individual is not ten years of age or older and under seventeen years at the time of the reported conduct, the city must withhold the submitted video recordings in their entirety and the license plate information in the submitted audio recording under section 552.130 of the Government Code, and release the remaining information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lana L. Freeman  
Assistant Attorney General  
Open Records Division

LLF/bhf

Ref: ID# 517397

Enc. Submitted documents

c: Requestor  
(w/o enclosures)