



January 12, 2015

Ms. Kelly R. Madrid
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2015-00542

Dear Ms. Madrid:

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# 549587 (Request No. W037911).

The City of Fort Worth (the "city") received a request for eight specified incident reports. You claim 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. This section encompasses information protected by other statutes, such as section 58.007 of the Family Code, which provides in relevant part:

(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(c). Section 58.007(c) is applicable to law enforcement records of juvenile delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. *See id.* § 51.03(a), (b) (defining “delinquent conduct” and “conduct indicating a need for supervision for purposes of section 58.007). 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). Upon review, we agree reports 10-93887, 11-46534, 12-112855, 12-20911, 12-59219, 12-62699, and 12-77805 pertain to juvenile suspects or juvenile runaways who were ten years of age or older and under seventeen years of age at the time of the incidents that are the subject of these reports. Further, these reports involves juvenile delinquent conduct or conduct indicating a need for supervision that occurred after September 1, 1997. You do not inform us, and it does not appear, any of the exceptions in section 58.007 apply to the information at issue. Therefore, reports 10-93887, 11-46534, 12-112855, 12-20911, 12-59219, 12-62699, and 12-77805 are confidential under section 58.007(c) of the Family Code and must be withheld in their entireties under section 552.101 of the Government Code. However, we note the individual at issue in report 11-109465 was seventeen at the time of the reported conduct. Therefore, you have failed to demonstrate the applicability of section 58.007 to this information. Accordingly, the city may not withhold report 11-109465 under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

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.¹ Gov’t Code § 552.130(a). Upon review, we find the city must withhold the driver’s license information we have marked in report 11-109465 under section 552.130 of the Government Code.

In summary, the city must withhold reports 10-93887, 11-46534, 12-112855, 12-20911, 12-59219, 12-62699, and 12-77805 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. The city must withhold the driver’s

¹The 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 Nos. 481 (1987), 480 (1987), 470 (1987).

license information we have marked in report 11-109465 under section 552.130 of the Government Code. The city must release the remaining information.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.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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/cbz

Ref: ID# 549587

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note the information being released includes a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without requesting a decision from this office under the Act. Gov't Code § 552.147(b).