



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 30, 2015

Ms. Captoria Brown
Paralegal
City of Carrollton
Office of the City Attorney
1945 East Jackson Road
Carrollton, Texas 75006

OR2015-08356

Dear Ms. Brown:

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# 561867 (City ID No. 4384).

The City of Carrollton (the "city") received a request for ten specified arrest reports and thirty-eight specified incident reports. You state you have released basic information to the requestor pursuant to section 552.108(c) of the Government Code. *See* Gov't Code § 552.108(c). You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have submitted information that is not responsive to the present request for information because it does not consist of the specified arrest or incident reports. This ruling does not address the public availability of the non-responsive information, which we have marked, and the city need not release the non-responsive information to the requestor.²

¹Although you do not raise section 552.130 of the Government Code in your briefing to this office, we understand you to raise this exception based on your markings in the submitted documents.

²As we are able to make this determination, we need not address your arguments against disclosure of this information.

Next, we note you have only submitted three responsive reports. Accordingly, to the extent the city maintained any additional responsive information when it received the present request for information, we assume the city has released any such information. If the city has not released any such information, it must do so at this time. *See id.* §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 58.007 of the Family Code, which makes confidential juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997. *See* Fam. Code § 58.007(c). Section 58.007 provides, in relevant part, the following:

(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.

Id. § 58.007(c). Upon review, we find report number 2014-001285 involves alleged juvenile delinquent conduct that occurred after September 1, 1997. *See id.* §§ 51.02(2) (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 when the conduct occurred), .03(a) (defining “delinquent conduct”). The exceptions in section 58.007 do not appear to apply. Therefore, the city must withhold report number 2014-001285 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code.³

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or

³As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the information at issue would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977). You state the information you have marked in report numbers 2014-006218 and 2014-009494 relates to pending criminal investigations. Based on this representation, we conclude the release of this information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the city may withhold the information you have marked in report numbers 2014-006218 and 2014-009494 under section 552.108(a)(1) of the Government Code.⁴

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov’t Code § 552.130(a). Upon review, the city must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code.

In summary, the city must withhold report number 2014-001285 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. The city may withhold the information you have marked in report numbers 2014-006218 and 2014-009494 under section 552.108(a)(1) of the Government Code. The city must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code. The city must release the remaining responsive information.⁵

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/>

⁴As our ruling is dispositive for this information, we need not address your remaining argument against its disclosure.

⁵We note the information being released includes social security numbers. Section 552.147(b) of the Government Code authorizes a governmental body to redact the social security number of a living person without the necessity of requesting a decision from this office under the Act. *See* Gov’t Code § 552.147(b).

[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,

A handwritten signature in black ink, appearing to read "Kristi L. Godden". The signature is fluid and cursive, with the first name "Kristi" being the most prominent.

Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 561867

Enc. Submitted documents

c: Requestor
(w/o enclosures)