



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

August 8, 1990

Ms. Elaine Piper  
Office of the City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79999

OR90-376

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10030.

The City of El Paso Police Department received a request for copies of photographs taken at the scene of a fatal traffic accident that involved a juvenile who was killed. You ask if these photographs are protected from disclosure under section 3(a)(1) of the act, either by the common law right of privacy or by sections 51.14 or 51.15 of the Family Code.

Photographs of traffic accident victims are not protected from disclosure by any right of privacy. See Open Records Decision Nos. 432 (1985); 378 (1983). Section 51.14 of the Family Code deals with files and records of a juvenile court, a clerk of court, or a prosecuting attorney relating to a child who is a party to a proceeding under Title 3 of the Family Code. Family Code section 51.14(a). Title 3 deals with delinquent children and children in need of supervision. Section 51.14 is designed to preserve the traditional confidentiality of files and records concerning juvenile proceedings. Attorney General Opinion H-529 (1975).

You inform us that the juvenile depicted in the photographs was not a party to a proceeding under Title 3 of the Family Code. Therefore section 51.14 is inapplicable to the photographs. Section 51.15 is also part of Title 3, and for the same reason is inapplicable to the photographs of the juvenile here. Previous decisions of this office make it clear that these sections of the Family Code refer to records of juveniles under the supervision of the juvenile

court, not to juveniles as a class. See Open Records Decision No. 181 (1977); Attorney General Opinions MW-359 (1981); H-1034 (1977); H-529 (1975). The photographs at issue here are not excepted from required public disclosure under section 3(a)(1), either by statute or the common law right of privacy. They must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-376.

Yours very truly,

*David Newton*

David A. Newton  
Assistant Attorney General  
Opinion Committee

DAN/le

Ref.: ID# 10030, 10103

Enclosure: Open Records Decision Nos. 432, 398

cc: Mr. Joe E. Garcia  
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