OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

August 21, 2000

Mr. Claud H. Drinnen
First Assistant City Attorney
Law Department
City of Amarillo
P. O. Box 1971
Amarillo, Texas 79105-1971

OR2000-3183

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 139964.

The Amarillo Police Department (the "department") received a request for a specified incident report. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by statute. You assert that the information is protected under section 58.007(c) of the Family Code. Juvenile law enforcement records relating to juvenile conduct that occurred on or after September 1, 1997 are confidential under section 58.007. However, section 58.007(c) of the Family Code only pertains to juvenile offenders. Although the submitted information contains juvenile witnesses, the submitted information does not contain any juvenile suspects. Because the requested information does not involve a juvenile offender, section 58.007(c) does not apply to the requested information.[1] Having raised no other applicable exceptions, you must release the submitted information.

However, we note that the submitted information contains information excepted from disclosure under section 552.130 of the Government Code. Section 552.130(a) of the

[1]We also note that the conduct occurred on August 31, 1997. Section 58.007(c) only pertains to juvenile conduct that occurred on or after September 1, 1997.

Government Code excepts from disclosure information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Therefore, you must withhold the marked driver's license numbers and license plate numbers under section 552.130(a) of the Government Code.

In conclusion, you must release the submitted information but withhold the marked information under section 552.130.

This letter ruling is limited to the particular records 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 records or any other circumstances.

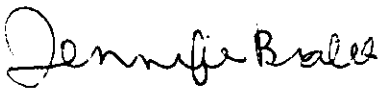
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/er

Ref: ID# 139964

Encl. Marked documents

cc: Ms. Doris Jamison
102 Chestnut
Ropesville, Texas 79358
(w/o enclosures)