



October 2, 2000

Mr. Claud H. Drinnen
First Assistant City Attorney
City of Amarillo
509 South East 7th Avenue
P. O. Box 1971
Amarillo, Texas 79105-1971

OR2000-3782

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 139774.¹

The City of Amarillo (the "city") received two requests for offense report no. 1997-00117458. 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 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses confidentiality provisions such as Family Code section 58.007. Section 58.007(c) provides that "law enforcement records and files concerning a child . . . may not be disclosed to the public[.]" Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007.

Family Code section 51.02(2) defines "child" as a person who is

- (A) ten years of age or older and under 17 years of age; or
- (B) seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need

¹We note that your request for a decision dated July 28, 2000 was originally assigned ID# 139775. That request for a decision has now been consolidated with ID# 139774.

for supervision as a result of acts committed before becoming 17 years of age.

On the date of the offense, the suspect was 17 years of age; thus, the suspect was not a child at the time of the offense as that term is defined by the Family Code. Therefore, the offense report is not excepted from public disclosure by Family Code section 58.007(c).

As you have not claimed any other exception which would except the offense report from public disclosure, the report must be released to the requestors.

We note, however, that the submitted information contains motor vehicle record information. Section 552.130 of the Government Code governs the release and use of motor vehicle record information. Section 552.130 provides in pertinent part:

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The responsive document contains driver's license, license plate, and vehicle identification numbers. Therefore, this information must be withheld pursuant to section 552.130. For your reference, we have marked the relevant information which must be redacted prior to the release of the remaining information.

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).

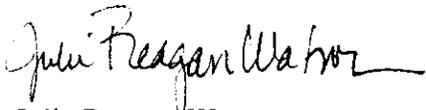
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following 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).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 475-2497.

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,



Julie Reagan Watson
Assistant Attorney General
Open Records Division

JRW/pr

Ref: ID# 139774

Encl. Submitted documents

cc: Mr. James McElwee
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(w/o enclosures)