



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2010

Ms. Michelle T. Rangel
Assistant County Attorney
Fort Bend County
William B. Travis Building
301 Jackson Street, Suite 728
Richmond, Texas 77469

OR2010-03599

Dear Ms. Rangel:

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# 372514.

The Fort Bend County Sheriff's Office (the "sheriff") received two requests for call slip number A093270513. You claim that 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.

Initially, we note both requestors have excluded from their requests social security numbers, driver's license numbers, and state identification numbers of third parties. Thus, any such information is not responsive to the request. This decision does not address the public availability of non-responsive information, and that information need not be released.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007 of the Family Code. The relevant language of section 58.007 reads as follows:

(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). 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)(A). The submitted call slip constitutes a law enforcement record relating to a juvenile allegedly engaged in conduct indicating a need for supervision that occurred after September 1, 1997. *See id.* § 51.03 (defining “conduct indicating a need for supervision” for the purposes of section 58.007). Therefore, the sheriff must withhold the submitted call slip from the December 21, 2009 requestor under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. However, we note that the December 17, 2009 requestor is the step-parent of the juvenile offender listed in the submitted call slip. If the December 17, 2009 requestor is not a legal guardian of the juvenile offender listed in the report, then the submitted information must also be withheld in its entirety from the December 17, 2009 requestor under section 552.101 in conjunction with section 58.007 of the Family Code. However, to the extent the December 17, 2009 requestor is a legal guardian of the juvenile offender, he may inspect or copy any law enforcement records concerning the child at issue under section 58.007(e). *Id.* § 58.007(e). However, section 58.007(j) provides that information subject to any other exception to disclosure under the Act or other law must be redacted. *See id.* § 58.007(j)(2). Because you also assert the submitted information is excepted from disclosure under section 552.101, we will consider your argument against disclosure.

Section 552.101 of the Government Code encompasses information that other statutes make confidential, including article 63.017 of the Code of Criminal Procedure, which provides the following:

Clearinghouse records that relate to the investigation by a law enforcement agency of a missing child, a missing person, or an unidentified body and records or notations that the clearinghouse maintains for internal use in

matters relating to missing children, missing persons, or unidentified bodies are confidential.

Crim. Proc. Code art. 63.017. You contend the submitted information is confidential under article 63.017 of the Code of Criminal Procedure. For purposes of article 63.017, “clearinghouse” is defined as the missing children and missing persons information clearinghouse, which is established within the Texas Department of Public Safety (“DPS”). *Id.* arts. 63.001(7), 63.002(a). The submitted information consists of a call slip involving a juvenile runaway that appears to have been created by the sheriff. This call slip is not a clearinghouse record for purposes of article 63.017. Therefore, the sheriff may not withhold the submitted call slip under section 552.101 in conjunction with that article. *See id.* arts. 63.001(7), 63.002(a).

We note that the submitted information contains Texas motor vehicle information subject to section 552.130.¹ Section 552.130 of the 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.” Gov’t Code § 552.130. Therefore, the sheriff must withhold the Texas motor vehicle information we have marked under section 552.130.²

In summary, the sheriff must withhold the submitted call slip from the December 21, 2009 requestor under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. If the December 17, 2009 requestor is not a legal guardian of the juvenile offender listed in the report, then the sheriff must also withhold the submitted call slip from the December 17, 2009 requestor under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. However, to the extent the December 17, 2009 requestor is a legal guardian of the juvenile offender, the sheriff must withhold the Texas motor vehicle information we have marked under section 552.130. The December 17, 2009 requestor may inspect or copy the remaining information concerning his own child under section 58.007(e).

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.

¹The Office of the Attorney General will raise mandatory exceptions such as section 552.130 on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver’s license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/jb

Ref: ID# 372514

Enc: Submitted documents

cc: Requestor
(w/o enclosures)