



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 9, 2010

Ms. Lois A. Rockefeller
Attorney for the City of Breckenridge
P.O. Box 360
Abilene, Texas 79604-0360

OR2010-08402

Dear Ms. Rockefeller:

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#381958.

The City of Breckenridge (the "city"), which you represent, received a request for all records pertaining to an incident that occurred at the city swimming pool on July 1, 2009. You state you will release some of the responsive information to the requestor. You claim that a portion of the submitted information is excepted from disclosure under section 552.148 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.148 of the Government Code provides:

- (a) In this section, "minor" means a person younger than 18 years of age.
- (b) The following information maintained by a municipality for purposes related to the participation by a minor in a recreational program or activity is excepted from the requirements of Section 552.021:
 - (1) the name, age, home address, home telephone number, or social security number of the minor;
 - (2) a photograph of the minor; and
 - (3) the name of the minor's parent or legal guardian.

Gov't Code § 552.148(a)-(b). The information at issue is an accident/injury report for the city's Parks and Aquatic Center. You state the responsive documents are maintained by the

city for purposes related to the participation by minors in a recreational activity. *Cf.* Tex. Civ. Prac. & Rem. Code Ann. § 75.001 (swimming constitutes recreational activity). Upon review, we agree that the information at issue relates to the participation by minors in a recreational activity. Accordingly, the city must withhold the minor's name and telephone number you have marked under section 552.148 of the Government Code. The remaining information must be released.¹

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.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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/jb

Ref: ID#381958

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note that the requestor has a special right of access to the information being released in this instance. *See* Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to the person and is protected from public disclosure by laws intended to protect that person's privacy interests). Accordingly, if the city receives another request for this information from a different requestor, the city must again seek a ruling from this office.