



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 3, 2010

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046

OR2010-16673

Dear Mr. Mann:

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# 398917 (GCA 10-0669).

The Garland Police Department (the "department") received a request for records from the current year involving allegations filed by a named individual against the requestor. You state the department has released some responsive information to the requestor, and has redacted Texas license plate numbers from the submitted information under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You claim the portions of the submitted information you marked are excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions 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." Gov't Code § 552.101. This section encompasses information made confidential by statute, such as section 58.007 of the Family Code, which makes confidential juvenile law enforcement

¹Open Records Decision No. 684 (2009) authorizes a governmental body to withhold ten categories of information, including Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

records relating to conduct that occurred on or after September 1, 1997. The relevant language of section 58.007 reads:

(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, "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). You have marked a call for service report that contains identifying information of a juvenile you represent is suspected of the crime at issue in the report. Therefore, based on your representation and our review, we agree this report involves a juvenile engaged in delinquent conduct. *See id.* § 51.03(a) (defining "delinquent conduct" for purposes of section 58.007). You state the requestor is not a party entitled to inspection under section 58.007. Therefore, we conclude the call for service report you marked is confidential under section 58.007(c) of the Family Code and must be withheld under section 552.101 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform this office the department's investigation of the cases related to the remaining reports is ongoing. Therefore, you state the release at this time of the information you marked in these reports would interfere with the detection, investigation, and/or prosecution of those cases. Based on your representations and our review, we determine release of the information you marked in the remaining reports would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of*

Houston, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, the department may withhold the information you marked pursuant to section 552.108(a)(1) of the Government Code.

You marked Texas license plate registration years and vehicle identification numbers you claim are confidential under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a motor vehicle title or registration issued by a Texas agency. Gov't Code § 552.130(a)(2). Upon review, we agree the department must withhold the Texas license plate registration years and vehicle identification numbers you marked, as well as the license plate registration type we marked, under section 552.130 of the Government Code.

We note portions of the remaining information are confidential pursuant to the doctrine of common-law privacy, which is encompassed by section 552.101 of the Government Code. Common-law privacy protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). This office has found that personal financial information not relating to a financial transaction between an individual and a governmental body is generally intimate or embarrassing. *See* Open Records Decision Nos. 600 at 9-10 (1992), 523 at 3-4 (1989). We have marked vehicle lien information in the remaining information, the release of which is not of legitimate public interest in this instance. Accordingly, the department must withhold this marked information under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the department must withhold the report you marked under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The department may withhold the information you marked under section 552.108(a)(1) of the Government Code. The department must withhold the information you marked, as well as the information we marked, under section 552.130 of the Government Code. The department must also withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy. The remaining submitted information must be released.

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,

A handwritten signature in black ink, appearing to read "Bob Davis", with a long, sweeping horizontal stroke extending to the right.

Bob Davis
Assistant Attorney General
Open Records Division

RSD/tp

Ref: ID# 398917

Enc. Submitted documents

c: Requestor
(w/o enclosures)