



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 13, 2011

Mr. Kyle G. Thomas  
Assistant City Attorney  
City of Sugar Land  
2700 Town Center Boulevard North  
Sugar Land, Texas 77479

OR2011-13214

Dear Mr. Thomas:

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# 429805.

The Sugar Land Police Department (the "department") received a request for 9-1-1 call recordings taken from 3:15 p.m. to 4:15 p.m. on June 18, 2011. You claim portions of the submitted information are excepted from disclosure under sections 552.101 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 protected by other statutes. Section 261.201(a) of the Family Code provides as follows:

(a) [T]he following information is confidential, is not subject to public release under [the Act], and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

...

(k) Notwithstanding Subsection (a), an investigating agency . . . on request, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

Fam. Code § 261.201(a), (k). In this instance, you state the 9-1-1 call you indicated consists of a report of alleged child abuse. *See id.* §§ 261.001(1) (defining “abuse” for purposes of chapter 261), 101.003(a) (defining “child” for purposes of section 261.201 as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes). Accordingly, this information is within the scope of section 261.201(a) of the Family Code. You inform this office that the requestor in this instance is the parent of the alleged victim and was alleged to have committed the abuse. Accordingly, we conclude none of the exceptions in subsection (k) apply in this instance. *See id.* § 261.201(k) (parental exception to section 261.201(a) inapplicable where parent alleged to have committed abuse/neglect at issue). Thus, the department must withhold the recording you indicated under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

Section 552.130 of the Government Code provides, in relevant part:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

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

Act of May 24, 2011, 82<sup>nd</sup> Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov’t Code § 552.130). Upon review, we agree the audio recordings at 03:40:15, 03:58:40, 04:00:07, 04:01:26, 04:03:10, and 04:14:03 contain motor vehicle record information subject

to section 552.130.<sup>1</sup> You state the department lacks the technological ability to redact such confidential information from these recordings. We therefore conclude the department must withhold the audio recordings at 03:40:15, 03:58:40, 04:00:07, 04:01:26, 04:03:10, and 04:14:03 in their entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). You also state the recording at 03:16:59 contains motor vehicle record information. Upon review, we disagree; therefore, the audio recording at 03:16:59 may not be withheld under section 552.130 of the Government Code.

In summary, the department must withhold the 9-1-1 call recording you indicated under section 552.101 of the Government Code in conjunction with section 261.201 Family Code. The department must also withhold the call recordings at 03:40:15, 03:58:40, 04:00:07, 04:01:26, 04:03:10, and 04:14:03 under section 552.130 of the Government Code. As you raise no other exceptions, 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](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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/agn

Ref: ID# 429805

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> Although you indicate the recording at 3:38:40 contains motor vehicle record information, we understand this to be a typo.