



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 11, 2011

Ms. Molly Shortall  
Assistant City Attorney  
City of Arlington  
P.O. Box 90231  
Arlington, Texas 76004-3231

OR2011-14742

Dear Ms. Shortall:

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# 432561.

The City of Arlington (the "city") received a request for information pertaining to a specified incident. You claim portions of the submitted information are excepted from disclosure under section 552.148 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You assert portions of the submitted information are excepted under section 552.148 of the Government Code, which 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

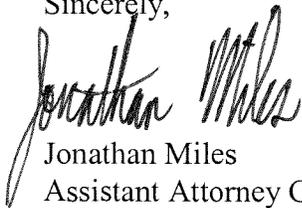
(3) the name of the minor's parent or legal guardian.

Gov't Code § 552.148(a)–(b). We find the information at issue pertains to an incident arising out of the participation of a minor in a recreational activity. We further note that the location where the incident at issue occurred is administered by the city. Accordingly, we find the information at issue is maintained by the city for purposes related to the participation by a minor in a recreational program or activity. However, we note that section 552.148 was intended to protect certain personal information of persons under 18 years of age. *See* Senate Committee on State Affairs, Bill Analysis, Tex. S.B. 123, 80th Leg., R.S. (2007). Accordingly, we find that this statute protects personal privacy. Section 552.023 of the Government Code provides a person's authorized representative has a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. Gov't Code § 552.023. Here, the requestor is the parent of one of the children whose privacy interest is implicated. Therefore, pursuant to section 552.023, the requestor has a right of access to the information concerning her own child and it may not be withheld from her under section 552.148. Accordingly, the city must withhold the information we have marked pursuant to section 552.148 of the Government Code. As you raise no further exceptions, the remaining information must be released.<sup>1</sup>

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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

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<sup>1</sup>We note that the information being released contains confidential information to which the requestor has a right of access. *See* Gov't Code § 552.023(a). However, if the city receives another request for this particular information from a different requestor, then the city should again seek a decision from this office.

Ref: ID# 432561

Enc. Submitted documents

c: Requestor  
(w/o enclosures)