



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 19, 2011

Mr. Tyler F. Wallach
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, Third Floor
Fort Worth, Texas 76102

OR2011-18648

Dear Mr. Wallach:

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# 440009 (Fort Worth PIR No. W012136).

The City of Fort Worth (the "city") received a request for police records involving a specified address during a specified time period. You state that the city has released some of the responsive information to the requestor, and inform us the city has redacted social security numbers under section 552.147(b) of the Government Code.¹ You also inform us the city has redacted Texas motor vehicle record information falling under section 552.130(a)(2) of the Government Code pursuant to previous determinations issued to the city in Open Records Letter Nos. 2006-14726 (2006) and 2007-00198 (2007), and has redacted other motor vehicle information pursuant to section 552.130(c) of the Government Code.² You claim the submitted information is excepted from disclosure pursuant to

¹See Gov't Code § 552.147(b) (governmental body may redact living person's social security number from public release without necessity of requesting attorney general's decision under Act).

²Open Records Letter Nos. 2006-14726 and 2007-00198 are previous determinations issued to the city authorizing it to withhold certain Texas motor vehicle record information under section 552.130 of the Government Code without the necessity of requesting an attorney general decision. Section 552.130(c) of the Government Code authorizes a governmental body to redact from the requested information it discloses, without the necessity of requesting a decision from this office, a motor vehicle operator's or driver's license or permit issued by an agency of this state, or another state or country, and 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. See Gov't Code § 552.130(c) (governmental body may redact information described by subsections 552.130(a)(1) and (3) from any information the governmental body discloses without necessity of requesting decision from attorney general); see *id.* § 552.130(d) (entitling requestor to appeal governmental body's decision to withhold information pursuant to section 552.130(c) to attorney general); *id.* (to be codified at Gov't Code § 552.130(e)) (requiring governmental body that withholds information pursuant to section 552.130(c) to provide notice to requestor).

sections 552.101 of the Government Code. We have considered the exception 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 other statutes, such as section 58.007(c) of the Family Code, which provides 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). Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997 are confidential under section 58.007(c). *See id.* § 51.03(a), (b) (defining “delinquent conduct” and “conduct indicating a need for supervision”). 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. *Id.* § 51.02(2). The information you have marked was developed by the city’s police department and involves delinquent conduct or conduct indicating a need for supervision that occurred after September 1, 1997. It does not appear any of the exceptions in section 58.007 of the Family Code apply. Therefore, we find the city must withhold information you have marked under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code.³

With regard to the remaining submitted information, we note you seek to withhold information relating to 9-1-1 callers. In Open Records Letter Nos. 2011-15641 (2011), this office issued a previous determination to the city authorizing the city to withhold the originating telephone numbers of 9-1-1 callers furnished to the city by a service supplier

³The information to be withheld under section 552.101 in conjunction with section 58.007 consists of police report numbers 07-102526, 08-29513, 08-36588, 09-11167, 09-134381, and 10-5564, as well as the call-for-service reports associated with these police reports. As our ruling for this information is dispositive, we need not address your remaining arguments against disclosure of this information.

established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). You state that the telephone numbers of 9-1-1 callers within the submitted information were provided by a 9-1-1 service supplier established in accordance with Chapter 772. As such, the city must withhold the telephone numbers you have marked under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code in accordance with the previous determination issued to the city in Open Records Letter Nos. 2011-15641.

In summary, the city must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. The city must withhold the marked telephone numbers in the remaining information under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code in accordance with the previous determination issued to the city in Open Records Letter No. 2011-15641. 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/eb

Ref: ID# 440009

Enc. Submitted documents

c: Requestor
(w/o enclosures)