



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

June 26, 2012

Ms. Michelle M. Kretz  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3rd Floor  
Fort Worth, Texas 76102

OR2012-09862

Dear Ms. Kretz:

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# 457151 (Fort Worth PIR# W016107).

The City of Fort Worth (the "city") received a request for police reports concerning specified incidents involving a named individual and for reports involving a specified address during a specified year. You state you will release some of the requested information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the request because it does not involve the named individual and does not concern the specified address during the specified year. This decision does not address the availability of the non-responsive information and that information need not be released in response to the present request.

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. Section 552.101 encompasses section 58.007 of the Family Code, which makes confidential juvenile law enforcement records relating to conduct by a child that occurred on or after September 1, 1997. Fam. Code § 58.007(c). Section 58.007 provides:

(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.

...

(e) Law enforcement records and files concerning a child may be inspected or copied by a juvenile justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

...

(j) Before a child or a child's parent or guardian may inspect or copy a record or file concerning the child under Subsection (e), the custodian of the record or file shall redact:

(1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and

(2) any information that is excepted from required disclosure under [the Act], or other law.

*Id.* § 58.007(c), (e), (j); *see also id.* § 51.02(2) (defining "child" as a person who is ten years of age or older and younger than seventeen years of age). The responsive information involves juveniles engaged in conduct indicating a need for supervision after September 1, 1997. *See id.* § 51.03 (defining "conduct indicating need for supervision" for purposes of Fam. Code § 58.007). However, we note the requestor may be the guardian of one of the suspects, and thus, might have a right of access to information otherwise made confidential by section 58.007(c). *See id.* § 58.007(e). As we are unable to determine whether the requestor is a guardian of the juvenile suspect at issue, we must rule conditionally. If the city determines the requestor is not the guardian of the juvenile suspect

at issue, the city must withhold the responsive information in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If the city determines the requestor is the guardian of the juvenile suspect at issue, the city may not withhold these records from the requestor on the basis of section 58.007(c). However, section 58.007(j)(1) provides any personally identifiable information concerning other juvenile suspects, offenders, victims, or witnesses must be redacted. *See id.* § 58.007(j)(1). Accordingly, in the event the requestor is the guardian of the juvenile suspect at issue, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code. In addition, section 58.007(j)(2) provides that information subject to any other exception to disclosure under the Act or other law must be redacted before a governmental body releases information pursuant to section 58.007(e). *See id.* § 58.007(j)(2). The information at issue contains information subject to section 552.130 of the Government Code. Therefore, we will consider the applicability of section 552.130 of the Government Code in the event the requestor is the guardian of the juvenile suspect at issue.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's or driver's license, title, or registration issued by an agency of this state or another state or country.<sup>1</sup> Gov't Code § 552.130(a)(1)-(2). Therefore, the city must withhold the information we have marked under section 552.130.

In summary, if the city determines the requestor is not the guardian of the juvenile suspect at issue, the city must withhold the responsive information in its entirety under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If the city determines the requestor is the guardian of the juvenile suspect at issue, the city must withhold the identifying information we have marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code and the motor vehicle information we have marked under section 552.130 of the Government Code, but must release the remaining information to the requestor.

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.

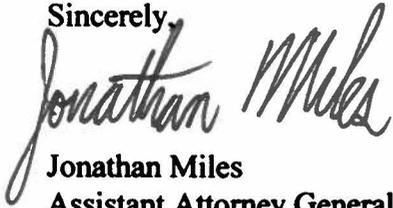
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 cursive script that reads "Jonathan Miles". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/bhf

Ref: ID# 457151

Enc. Submitted documents

c: Requestor  
(w/o enclosures)