



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 24, 2012

Ms. Lois A. Rockefeller
Counsel for the City of Eastland
Wagstaff, Alvis, Stubbeman, Seamster & Longacre, L.L.P.
City of Eastland
P.O. Box 360
Abilene, Texas 79604-0360

OR2012-15175

Dear Ms. Rockefeller:

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# 466002.

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

Section 552.148 of the Government Code provides in part:

- (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:

...

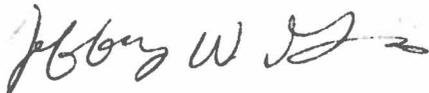
- (2) a photograph of the minor[.]

Gov't Code § 552.148(a), (b)(2). The video recording at issue is maintained by the city and contains the images of minors participating in a recreational activity at a city pool. *Cf.* Tex. Civ. Prac. & Rem. Code Ann. § 75.001 (swimming constitutes recreational activity). Accordingly, the submitted information must be withheld under section 552.148 of the Government Code.

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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/tch

Ref: ID# 466002

Enc. Submitted documents

c: Requestor
(w/o enclosures)