



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2012

Ms. Linda Hight  
Records Coordinator  
City of Cleburne  
P.O. Box 677  
Cleburne, Texas 76033

OR2012-20603

Dear Ms. Hight:

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# 478957.

The Cleburne Police Department (the "department") received a request for information pertaining to specified incidents. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 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. Section 552.101 encompasses information protected by other statutes, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to delinquent conduct that occurred on or after September 1, 1997 are confidential under section 58.007. Fam. Code § 58.007(c). The relevant language of section 58.007 reads 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.

...

(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 Chapter 552, Government Code, or other law.

*Id.* § 58.007(c), (e), (j). Exhibits 2 and 3 pertain to juvenile delinquent conduct that occurred after September 1, 1997. *See id.* § 51.03 (defining "delinquent conduct" for purposes of Fam. Code § 58.007). Therefore, Exhibits 2 and 3 are generally confidential under section 58.007.

As you acknowledge, the requestor is an attorney for one of the juvenile offenders named in Exhibit 2 and for the juvenile offender named in Exhibit 3. Section 58.007(e) allows the attorney access to his client's law enforcement records. *Id.* § 58.007(e). Therefore, the department must release Exhibit 3 to the requestor. However, the department must withhold from Exhibit 2 any personally identifiable information about other juvenile suspects, offenders, or witnesses who are not the requestor's client. *See id.* § 58.007(j)(1) Accordingly, the department must withhold the information you have marked in Exhibit 2

under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code. Section 58.007(j)(2) further provides that information subject to any other exception to disclosure under the Act or other law must also be redacted. *See id.* 58.007(j)(2). Therefore, we will address your additional argument against disclosure.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license or driver's license, title, or registration issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(1)-(2). The department must withhold the motor vehicle record information you have marked in Exhibit 2 under section 552.130 of the Government Code. However, we note the information you have marked under section 552.130 in Exhibits 4, 5, and 6 belongs to the requestor's client. Section 552.130 is based on privacy principles. Thus, this requestor has a right of access to his client's motor vehicle information, and the department may not withhold this information under section 552.130. *Id.* § 552.023(a) (person or person's authorized representative has special right of access to information held by governmental body that relates to the person and is protected from public disclosure by laws intended to protect that person's privacy interests); *see also id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on the grounds that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual or individual's authorized representative requests information concerning the individual).

Section 552.147 of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act.<sup>1</sup> Gov't Code § 552.147(a). You seek to withhold the social security number of the requestor's client in Exhibit 6. However, because section 552.147 protects personal privacy, the requestor has a right of access to his client's social security number under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a). Thus, the department may not withhold the social security number you have marked in Exhibit 6 under section 552.147.

In summary, pursuant to section 58.007(e) of the Family Code, the department must release Exhibit 3 to the requestor. In releasing Exhibit 2 to the requestor, the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 58.007(j)(1) of the Family Code and section 552.130 of the Government Code. The department must release the remaining information.

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.

---

<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/ac

Ref: ID# 478957

Enc. Submitted documents

c: Requestor  
(w/o enclosures)