



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 16, 2013

Ms. Lillian Guillen Graham  
Assistant City Attorney  
City of Mesquite  
P.O. Box 850137  
Mesquite, Texas 75185-0137

OR2013-08140

Dear Ms. Graham:

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# 487619.

The Mesquite Police Department (the "department") received a request for all calls for service and accident, arrest, and incident reports pertaining to two named individuals and a specified address. You state some of the requested information will be released to the requestor. 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(c) of the Family Code. This section provides as follows:

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). Section 58.007(c) is applicable to records of juvenile delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997. *See id.* § 51.03(a), (b)(3) (defining “delinquent conduct” and “conduct indicating a need for supervision” for purposes of section 58.007). For purposes of section 58.007, “child” means a person who is ten years of age or older and under seventeen years of age at the time of the reported conduct. *See id.* § 51.02(2). Upon review, we agree Exhibit 2 involves juvenile delinquent conduct that occurred after September 1, 1997. You do not indicate, nor does it appear, that any of the exceptions in section 58.007 apply to the information at issue. Accordingly, we conclude Exhibit 2 is confidential pursuant to section 58.007(c) of the Family Code, and the department must withhold this information under section 552.101 of the Government Code on that basis.<sup>1</sup> In addition, we note some of the information submitted as Exhibit 3 involves delinquent conduct that occurred after September 1, 1997. In this instance, however, we are unable to determine whether the alleged suspects listed in the information at issue were ten years of age or older and under seventeen years of age at the time of the conduct at issue. Therefore, we must rule conditionally. If either of the suspects at issue were ten years of age or older and under seventeen years of age at the time of the conduct at issue, then the information we have marked in Exhibit 3 must be withheld under section 552.101 in conjunction with section 58.007(c). If both of the suspects were not ten years of age or older and under seventeen years of age at the time of the conduct, then section 58.007 is not applicable to the information we have marked in Exhibit 3, and this information may not be withheld under section 552.101 in conjunction with section 58.007(c).

You seek to withhold the telephone numbers of 9-1-1 callers contained in the remaining information in Exhibit 3. In Open Records Letter Nos. 2011-15075 (2011) and 2011-15761 (2011), this office issued previous determinations authorizing the department to withhold the originating telephone numbers and addresses, respectively, of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction

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<sup>1</sup>As our ruling for this information is dispositive, we need not address your remaining arguments against its release.

with section 772.318 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)). Therefore, to the extent the telephone numbers you have marked, and the additional address we have marked, in Exhibit 3 consist of the originating telephone numbers or address of a 9-1-1 caller furnished by a service supplier established in accordance with chapter 772, the department must withhold the information marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determinations issued to the department in Open Records Letter Nos. 2011-15075 and 2011-15761.

Section 552.130(a)(1) of the Government Code provides that information relating to a motor vehicle operator's or driver's license or permit issued by any agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a)(1). Accordingly, the department must withhold the driver's license number you have marked in the remaining information under section 552.130(a)(1) of the Government Code.

Section 552.147(a) of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147(a). Thus, the department may withhold the social security numbers you have marked in the remaining information under section 552.147(a) of the Government Code.

In summary, the department must withhold Exhibit 2 under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If either of the suspects at issue were ten years of age or older and under seventeen years of age at the time of the conduct at issue, then the information we have marked in Exhibit 3 must be withheld under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. If both of the suspects were not ten years of age or older and under seventeen years of age at the time of the conduct, the information we have marked in Exhibit 3 may not be withheld under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. To the extent the telephone numbers you have marked, and the additional address we have marked, in Exhibit 3 consist of the originating telephone numbers or address of a 9-1-1 caller furnished by a service supplier established in accordance with chapter 772 of the Health and Safety Code, the department must withhold the information marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determinations issued to the department in Open Records Letter Nos. 2011-15075 and 2011-15761. The department must withhold the remaining driver's license number you have marked under section 552.130(a)(1) of the Government Code and may withhold the remaining social security numbers you have marked under section 552.147(a) 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.

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,



Kenneth Leland Conyer  
Assistant Attorney General  
Open Records Division

KLC/bhf

Ref: ID# 487619

Enc. Submitted documents

c: Requestor  
(w/o enclosures)