



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 16, 2014

Mr. Grant Jordan  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, Third Floor  
Fort Worth, Texas 76102

OR2014-01056

Dear Mr. Jordan:

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# 511451 (PIR No. W029786).

The City of Fort Worth (the "city") received a request for information pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.<sup>1</sup> 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 other statutes make confidential, such as section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997, are confidential under section 58.007 of the Family Code. You assert the submitted information is subject to this section. However, we note section 58.007 is inapplicable in this instance because the conduct at issue occurred in 1985. Accordingly, we will address your argument under former section 51.14 of the Family Code.

---

<sup>1</sup>Although you do not specifically raise section 552.130, we understand you to raise this exception based on your markings.

Prior to its repeal by the Seventy-fourth Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records pertaining to conduct occurring before January 1, 1996. Former section 51.14(d) was continued in effect for that purpose. *See* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591. Former section 51.14 provided, in relevant part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

Fam. Code § 51.14(d) (repealed 1995). A “child” is defined as a person who was ten years of age or older and under seventeen years of age at the time of the conduct. *See id.* § 51.02(2). The submitted report pertains to an incident that occurred prior to January 1, 1996. You state, and the submitted information reflects, two of the listed arrestees were juveniles at the time of the offense. You also inform us the requestor does not fall within one of the categories in former section 51.14(d) under which inspection of the records would be permitted. However, we are unable to determine the age of the offenders at issue at the time of the incident in question. Therefore, we must rule conditionally. Thus, if the suspects at issue were ten years of age or older and under seventeen years of age at the time of the commission of the crime, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with former section 51.14(d) of the Family Code. However, if the suspects at issue were not ten years of age or older and under seventeen years of age at the time of the commission of the crime, the submitted information is not confidential pursuant to former section 51.14(d) and may not be withheld under section 552.101 of the Government Code on that basis.

To the extent the submitted information is not confidential pursuant to former section 51.14(d) of the Family Code, we will address the applicability of section 552.130 of the Government Code to the submitted information. Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov’t Code § 552.130(a). We note the motor vehicle record information at issue may belong to the requestor. Because section 552.130 protects personal privacy, the requestor has a right of access to his motor vehicle information under section 552.023 of the Government Code. *See*

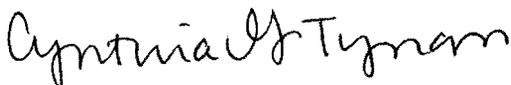
*id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Therefore, to the extent the requestor is the owner of the motor vehicle at issue, he has a right of access to the motor vehicle record information, and the city may not withhold the information it has marked from this requestor. To the extent the requestor is not the owner of the motor vehicle at issue, the city must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code.

In summary, if the suspects at issue were ten years of age or older and under seventeen years of age at the time of the commission of the crime, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with former section 51.14(d) of the Family Code. To the extent the submitted information is not confidential pursuant to former section 51.14(d) of the Family Code and the requestor is not the owner of the motor vehicle at issue, the city must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code. In that instance, the city must release the remaining submitted 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/akg

Ref: ID# 511451

Enc. Submitted documents

c: Requestor  
(w/o enclosures)