



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 18, 2014

Ms. Kelley Messer  
Assistant City Attorney  
City of Abilene  
P.O. Box 60  
Abilene, Texas 79604-0060

OR2014-14482

Dear Ms. Messer:

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# 533128.

The Abilene City Attorney's Office (the "city attorney's office") received a request for information pertaining to two named children enrolled in a specified after school program. You claim 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 the following:

- (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:
  - (1) the name, age, home address, home telephone number, or social security number of the minor;
  - (2) a photograph of the minor; and

(3) the name of the minor's parent or legal guardian.

Gov't Code § 552.148. You state the submitted information relates to the participation by minors in a city recreational program or activity. Based on your representation and our review, we find some of the submitted information is generally confidential under section 552.148 of the Government Code. However, we note section 552.148 was intended to protect certain personal information of persons under 18 years of age. *See* Senate Comm. on State Affairs, Bill Analysis, Tex. S.B. 123, 80th Leg., R.S. (2007). Accordingly, we find this statute protects personal privacy. Section 552.023(a) of the Government Code provides a person's authorized representative has a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. Gov't Code § 552.023(a). In this instance, we note the requestor may be the parent of the children whose privacy interests are implicated. Accordingly, if the requestor is the parent of the children at issue, then the city attorney's office may not withhold any of the submitted information from this requestor on the basis of section 552.148. If the requestor is not the parent of the children at issue, then the city attorney's office must withhold the information we have marked under section 552.148 of the Government Code. Regardless, we find you have failed to demonstrate the remaining information is subject to section 552.148 of the Government Code, and it may not be withheld on that basis. As you raise no other exceptions to disclosure, the city attorney's office 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.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,



Megan G. Holloway  
Assistant Attorney General  
Open Records Division

MGH/akg

Ref: ID# 533128

Enc. Submitted documents

c: Requestor  
(w/o enclosures)