



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 19, 2017

Mr. Brian L. Rose
Assistant General Counsel
Harris County District Attorney's Office
1201 Franklin, Suite 600
Houston, Texas 77002

OR2017-10915

Dear Mr. Rose:

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# 656430.

The Harris County District Attorney's Office (the "district attorney's office") received a request for information pertaining to child support liens.¹ You claim some of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.² We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

¹We note the district attorney's office received clarification of the information requested. *See* Gov't Code § 552.222(b) (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Initially, we note the submitted information includes a court-filed document subject to section 552.022 of the Government Code. Section 552.022(a)(17) provides for the required public disclosure of “information that is also contained in a public court record” unless it is “made confidential under [the Act] or other law[.]” Gov’t Code § 552.022(a)(17). You seek to withhold a portion of the information subject to section 552.022(a)(17) of the Government Code under section 552.101 of the Government Code in conjunction with section 231.108 of the Family Code. However, we note the Texas Supreme Court has determined section 231.108 is not applicable to information contained in public records. *See Jackson v. State Office of Admin. Hearings*, 351 S.W.3d 290 (Tex. 2011) (section 231.108 of the Family Code does not make confidential information already in the public domain as part of a public document). Thus, the district attorney’s office may not withhold any portion of the court-filed document under section 552.101 of the Government Code in conjunction with section 231.108 of the Family Code.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. Gov’t Code § 552.101. Chapter 231 of the Family Code pertains to the administration of Title IV-D child support programs and provides the Office of the Attorney General (the “OAG”) is designated as the state’s Title IV-D agency. *See Fam. Code § 231.001*. Section 231.108(a) of the Family Code provides:

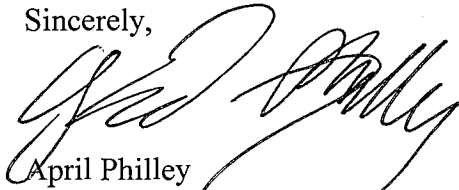
(a) . . . all files and records of services provided by the Title IV-D agency under this title, including information concerning a custodial parent, a noncustodial parent, a child, or an alleged or presumed father, are confidential.

Id. § 231.108(a). In this instance, you state the submitted information was shared between the district attorney’s office and the OAG. You indicate that the district attorney’s office uses this information for the administration and enforcement of a child support program. *See id.* § 231.108(c) (allowing the OAG to release information subject to chapter 231 of the Family Code for purposes directly connected with the administration of child support programs). Based on your arguments and our review of the information at issue, we conclude that the district attorney’s office must withhold the information it marked in the remaining records under section 552.101 of the Government Code in conjunction with section 231.108(a) of the Family Code. The district 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, 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,



April Philley
Assistant Attorney General
Open Records Division

AP/sb

Ref: ID# 656430

Enc. Submitted documents

c: Requestor
(w/o enclosures)