



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 29, 2017

Ms. Andrea D. Russell
Counsel for the Town of Flower Mound
Taylor Olson Adkins Sralla Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2017-19680

Dear Ms. Russell:

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# 673383.

The Town of Flower Mound (the "town"), which you represent, received a request for information pertaining to a specified incident at the town's community center. You claim some of 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. We note the town is a home-rule municipality.¹ You assert the submitted information relates to the participation by minors in a recreational program or activity of the town. Based on your representations 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 eighteen 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). *See* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). In this instance, we note the requestor is the parent of one of the minor children whose privacy interests are implicated. Thus, the requestor has a right of access to information pertaining to her minor child pursuant to section 552.023 of the Government Code, and this information may not be withheld from her under section 552.148 of the Government Code. Accordingly, with the exception of the information pertaining to the requestor's minor child, the town must withhold the submitted names, home address, and home telephone number of minors, as well as the names of the minors' parents or legal guardians, under section 552.148 of the Government Code. The remaining information must be released.²

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.

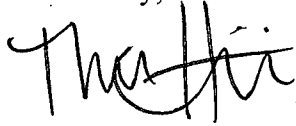
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

¹See Town of Flower Mound website at <http://www.flower-mound.com/35/Government>.

²We note the requestor has a special right of access to some of the information being released in this instance. *See* Gov't Code § 552.023; ORD 481 at 4. Because such information is confidential with respect to the general public, if the town receives another request for this information from a different requestor, then the town should again seek a ruling from this office.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thana Hussaini', written in a cursive style.

Thana Hussaini
Assistant Attorney General
Open Records Division

TH/sb

Ref: ID#673383

Enc. Submitted documents

c: Requestor
(w/o enclosures)