



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 24, 2019

Mr. Adam Anderson
Assistant County Attorney
Montgomery County
501 North Thompson, Suite #300
Conroe, Texas 77301

OR2019-17143

Dear Mr. Anderson:

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# 771731 (ORR# 19PIA148).

The Montgomery County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident involving the requestor's son. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 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 section 58.008 of the Family Code, which provides, in part:

(b) Except as provided by Subsection (d), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult records;

(2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the 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 Subsection (c) or Subchapter B, D, or E.

Fam. Code § 58.008(b); *see also id.* § 51.03(a) (defining “delinquent conduct” for purposes of title 3 of Family Code). Section 58.008(b) is applicable to records of juvenile conduct that occurred before, on, or after September 1, 2017. The juvenile must have been at least 10 years old and less than 17 years of age when the conduct occurred. *See id.* § 51.01(2) (defining “child” for purposes of title 3 of the Family Code). We note the submitted information relates to a traffic offense. Section 58.008 does not make information related to traffic offenses confidential. *See id.* §§ 51.02(16) (defining traffic offense), .03(a) (delinquent conduct for purposes of title 3 of the Family Code does not include traffic offenses), .03(b) (conduct indicating a need for supervision does not include traffic offenses). Therefore, we find the sheriff’s office has not demonstrated the applicability of section 58.008(b) of the Family Code to the submitted information, and the sheriff’s office may not withhold the information under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code.

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 personal identification document issued by an agency of this state or another state or country is excepted from public release. *See Gov’t Code* § 552.130. You assert, and we agree, the submitted video recordings contain confidential motor vehicle record information that is excepted from disclosure under section 552.130. In this instance, you state the sheriff’s office does not possess the technological capability to redact information from the video recordings. Thus, the sheriff’s office must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. *See Open Records Decision No. 364 (1983)*. Additionally, we find the remaining information contains motor vehicle record information subject to section 552.130 of the Government Code. The requestor has a right of access to her minor son’s motor vehicle record information under section 552.023 of the Government Code, and it may not be withheld from her under section 552.130. *See Gov’t Code* § 552.023(a) (governmental body may not deny access to person to whom information relates or person’s agent on ground that information is considered confidential by privacy principles); *Open Records Decision No. 481 (1987)* at 4 (privacy theories not implicated when individuals request information concerning themselves). Therefore, the sheriff’s office must withhold the motor vehicle record information not belonging to the requestor’s son, which we marked, within the remaining information under section 552.130 of the Government Code.

In summary, the sheriff's office must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. The sheriff's office must withhold the motor vehicle record information not belonging to the requestor's son, which we marked, under section 552.130 of the Government Code. The sheriff'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,



Kimbell Kesling
Attorney
Open Records Division

KK/eb

Ref: ID# 771731

Enc. Submitted documents

c: Requestor
(w/o enclosures)