



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 23, 2016

Ms. Captoria Brown
Paralegal
City of Carrollton
P.O. Box 110535
Carrollton, Texas 75011-0535

OR2016-19002

Re: Request for copy of incident report concerning named individual on 07/24/16–07/28/16 at named address (City of Carrollton ID 8240)

Dear Ms. Brown:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 630770.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the information marked as “552.108” may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the information and have determined that in accordance with section 552.108(a)(1) you may withhold the information marked as “552.108.” Lastly, for any living persons’ dates of birth contained in the submitted information, you must withhold them pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). We have marked the date of birth of the deceased person that you must release. *Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. Civ. App.—Texarkana 1979, writ ref’d n.r.e.); Attorney General Opinions JM-229 (1984) (“the right of privacy lapses upon death”); Open Records Decision No. 272 (1981) (“the right of privacy is personal and lapses upon death”).

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/og/memorulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: Requestor
(w/o enclosures)