



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 28, 2017

Mr. Ron G. MacFarlane, Jr.
Counsel for the City of Cedar Hill
The MacFarlane Firm, P.C.
400 East Royal Lane, Suite 290
Irving, Texas 75039

OR2017-04344

Dear Mr. MacFarlane:

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# 647373.

The City of Cedar Hill (the "city"), which you represent, received two requests from the same requestor for all current addresses and phone numbers pertaining to a named individual. The city claims the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions the city claims and reviewed the submitted information.

Initially, we note the requestor only seeks the current addresses and phone numbers pertaining to the named individual. We note the submitted information contains information beyond this information. Accordingly, the submitted information that does not consist of the current addresses or phone numbers of the named individual is not responsive to the instant request. This ruling does not address the public availability of non-responsive information, and the city is not required to release such information in response to this request.¹

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

¹As we are able to make this determination, we need not address the city's arguments against disclosure of the non-responsive information.

Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. We note addresses and phone numbers of members of the public are generally not highly intimate or embarrassing. See Open Records Decision No. 455 at 7 (home addresses and telephone numbers not protected under privacy). We understand the city to argue the responsive information is confidential under section 552.101 on the basis of common-law privacy. However, we find none of the responsive information is highly intimate or embarrassing and of no legitimate public interest. Therefore, none of the responsive information may be withheld on that basis. Accordingly, the city must release the responsive 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 647373

Enc. Submitted documents

c: Requestor
(w/o enclosures)