



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

This ruling has been modified by court action.
The ruling and judgment can be viewed in PDF
format below.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 30, 2017

The ruling you have requested has been amended as a result of litigation and has been attached to this document.

Ms. Elizabeth Reynolds
Paralegal
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2017-11720

Dear Ms. Reynolds:

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# 659563.

The City of Dallas (the "city") received a request for a specified investigation. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

We note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

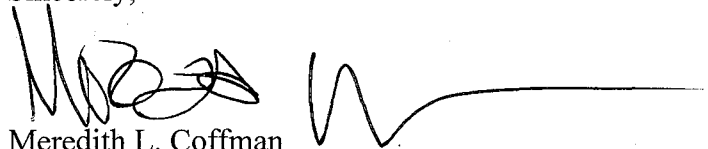
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Gov't Code § 552.022(a)(1). The submitted information consists of a completed investigation subject to section 552.022(a)(1) of the Government Code. The city must release this information pursuant to section 552.022(a)(1) unless it is excepted from disclosure under section 552.108 of the Government Code or made confidential under the Act or other law. Although the city seeks to withhold the submitted information under sections 552.103 and 552.111 of the Government Code, these sections are discretionary in nature and do not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive Gov't Code § 552.103); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 470 at 7 (1987) (deliberative process privilege under statutory predecessor to Gov't Code § 552.111 subject to waiver). Therefore, the city may not withhold the submitted information under section 552.103 or section 552.111 of the Government Code. As no other exceptions against disclosure have been raised, the city must release the submitted 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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 659563

c: Requestor

AUG 28 2018 JC

At 2:11 P.M.
Velva L. Price, District Clerk

NO. D-1-GV-11-001419

CITY OF DALLAS, Plaintiff,	§	IN THE DISTRICT COURT
	§	
v.	§	
	§	OF TRAVIS COUNTY, TEXAS
	§	
GREG ABBOTT, ATTORNEY GENERAL OF TEXAS, Defendant.	§	
	§	53rd JUDICIAL DISTRICT

FINAL SUMMARY JUDGMENT

On July 31, 2018, a hearing was held on Plaintiff's and Defendant's cross-motions for summary judgment. Plaintiff, the City of Dallas, and Defendant, Ken Paxton, Attorney General of Texas, appeared by counsel of record and announced ready. This case is the City's appeal from the Attorney General's letter rulings numbers OR2014-03670, OR2014-04006, OR2014-07349, OR2016-18343, OR2017-11720, OR2017-16545, and OR2017-21550 on open records requests the City received from various requestors. The Court, having considered the pleadings, Plaintiff's and Defendant's motions for summary judgment, the summary-judgment record (including Exhibit A, the Information at Issue, which was filed under seal at the hearing and submitted to the Court for *in camera* inspection), the arguments of counsel, and the applicable legal authorities, is of the opinion that Plaintiff's motion should be granted and Defendant's motion should be denied.

It is accordingly ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion for Summary Judgment is GRANTED and that Defendant's Motion for Summary Judgment is DENIED.

It is further ORDERED, ADJUDGED, and DECREED that the information represented by Exhibit A is excepted from required disclosure under Texas Government Code chapter 552 and that letter rulings numbers OR2014-03670, OR2014-04006, OR2014-07349, OR2016-18343, OR2017-11720, OR2017-16545, and OR2017-21550 are reversed insofar as they conclude otherwise.

It is further ORDERED, ADJUDGED, and DECREED that Plaintiff shall recover its court costs.

The Court denies all relief not granted in this judgment. This judgment disposes of all claims between all parties and is final and appealable.

SIGNED on this 28th day of ~~July~~ ^{August} 2018.



JUDGE PRESIDING
AMY CLARK MEACHUM