



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 19, 2017

Mr. William T. Little
Assistant County & District Attorney
County of Ellis
109 South Jackson Street
Waxahachie, Texas 75165

OR2017-16130

Dear Mr. Little:

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# 666846.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to the warrant issued relating to a named individual. The sheriff's office claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions the sheriff's office claims and reviewed the submitted information.

Section 552.101 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 the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. The court of appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *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.). Upon review, the information we have marked for release is not highly intimate or embarrassing and of no legitimate public interest. Therefore, the information we have marked for release may not be withheld under

¹Although the sheriff's office also claims section 552.108, it makes no argument under this exception. Therefore, we assume the sheriff's office has withdrawn its claim this section applies to the submitted information. See Gov't Code §§ 552.301, .302.

section 552.101 of the Government Code on the basis of common-law privacy. Thus, with the exception of the information we have marked for release, the sheriff's office must withhold the information it has marked under section 552.101 of the Government Code in conjunction with common-law privacy.

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. Upon review, the sheriff's office must withhold the motor vehicle record information it has marked, and the additional information we have marked, under section 552.130 of the Government Code.

In summary, with the exception of the information we have marked for release, the sheriff's office must withhold the information it has marked under section 552.101 of the Government Code in conjunction with common-law privacy. The sheriff's office must withhold the motor vehicle record information it has marked, and the additional information we have marked, under section 552.130 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 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/tdw

²We note the information being released contains social security numbers. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. Gov't Code § 552.147(b).

Ref: ID# 666846

Enc. Submitted documents

c: Requestor
(w/o enclosures)