



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 2, 2017

Ms. P. Armstrong  
Assistant City Attorney  
Criminal Law and Police Section  
City of Dallas  
1400 South Lamar  
Dallas, Texas 75215

OR2017-22455

Re: Request for the offense report, investigative file, crime scene photos and crash reports for Case # 150079-2017, ORR 2017-19899.

Dear Ms. Armstrong:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 685628.

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. Upon review of your arguments and the information, we conclude you may withhold the information marked as "552.108" under section 552.108(a)(1). Lastly, because common-law privacy lapses at death, you may not withhold the marked date of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. You must release the marked date of birth. *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.); see also *Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145, 146-47 (N.D. Tex. 1979) ("action for invasion of privacy can be maintained only by a living individual whose privacy is invaded") (quoting Restatement of Torts 2d); See 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)