



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 30, 2019

Mr. Parris Long
Open Records Coordinator
City of Dallas
1500 Marilla Street, 5DS
Dallas, Texas 75201

OR2019-30731

Dear Mr. Long:

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# 791583 (ORR# C006850-072519).

The City of Dallas (the "city") received a request for twenty categories of information related to a named individual and a specified detention center. You state you will release some information to the requestor. You state the city will withhold information pursuant to Open Records Letter No. 2017-09757 (2017).¹ You further state the city will withhold information pursuant to section 552.147(b) of the Government Code and Open Records

¹ Open Records Letter No. 2017-09757 is a previous determination authorizing the city to withhold the dates of birth of living individuals under section 552.101 of the Government Code in conjunction with common-law privacy and the dates of birth of current and former employees held in an employment context under section 552.102 of the Government Code without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

Decision No. 684 (2009).² You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code.³ We have considered the exceptions you claim and reviewed the submitted representative sample of information.⁴

You inform us the city seeks to rely on a previous determination issued to the city to withhold the submitted information. We note this office issued Open Records Letter No. 2019-01126 (2019), a previous determination authorizing the city to withhold certain information under section 552.108(a)(1) of the Government Code, if the city complies with all the requirements listed in that previous determination. *See* Gov't Code § 552.108(a)(1). You state, and provide documentation showing, the city complied with all the requirements listed in Open Records Letter No. 2019-01126. Therefore, pursuant to Open Records Letter No. 2019-01126, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code. *See* ORD 673. As our ruling is dispositive, we need not consider your remaining arguments against disclosure.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable

² Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. 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. *See* Gov't Code § 552.147(b).

³ Although you also raise section 552.107 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim that this section applies to the submitted information. *See id.* §§ 552.301, .302. Pursuant to section 552.303(c) of the Government Code, this office sent correspondence to the city on October 22, 2019, requesting the city provide additional information necessary for this office to render a decision. *See id.* § 552.303(c)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We received a response from the city on October 25, 2019.

⁴ We 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.

Mr. Long - Page 3

charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Buchanan", with a long horizontal flourish extending to the right.

Emily Buchanan
Assistant Attorney General
Open Records Division

EBO/gw

Ref: ID# 791583

c: Requestor