



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 4, 2019

Ms. Heather Silver
Assistant City Attorney
City of Dallas
1400 South Lamar, 6th Floor, 6W
Dallas, Texas 75215

OR2019-33984

Re: Request for incident number 20030810178 (ORR D025533-082819)

Dear Ms. Silver:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 807851.

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 submitted information may be withheld from public disclosure pursuant to section 552.108(a)(1) of the Government Code on behalf of another law enforcement agency with a law enforcement interest.¹ Further, you inform this office the other law enforcement agency objects to the disclosure of the information because it relates to an ongoing criminal case and release would interfere with the case. Thus, we conclude you may withhold the information you have marked pursuant to section 552.108(a)(1) on behalf of the other law enforcement agency.²

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open->

¹We note you did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(e). Nonetheless, the need of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason sufficient to overcome the presumption of openness. *See* Open Records Decision No. 586 (1991).

² We note the basic information being released in this instance includes information that is confidential with respect to the general public. *See* Gov't Code § 552.023(a) (governmental body may not deny access to person to whom information relates solely on grounds that information is considered confidential by privacy principles). If the city receives another request for this information from a different requestor, then the city should again seek a ruling from this office.