



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 31, 2020

Ms. P. Armstrong  
Assistant City Attorney  
City of Dallas  
1400 South Lamar 6<sup>th</sup> Floor 6W  
Dallas, Texas 75215

OR2020-09798

Re: ORR# D036163-121019

Dear Ms. Armstrong:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 819689.

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. We understand you will redact information under section 552.136(c) of the Government Code and you will redact dates of birth pursuant to Open Records Letter No. 2017-09757 (2017).<sup>1</sup> You claim the marked 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.<sup>2</sup> Further,

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<sup>1</sup> Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). Open Records Letter No. 2017-09757 is a previous determination issued to the Dallas Police Department ("department") authorizing it to withhold the dates of birth of department employees under section 552.102 of the Government Code and the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without seeking a ruling from this office. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

<sup>2</sup> You acknowledge 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). Additionally, because sections 552.101 and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness caused by a failure to comply with section 552.301, we will consider the applicability of these exceptions to the submitted information, notwithstanding your violation of section 552.301 in requesting this decision. *See* Gov't Code §§ 552.007, .302.

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 marked information pursuant to section 552.108(a)(1) on behalf of the other law enforcement agency.<sup>3</sup> We agree you must withhold the marked motor vehicle record information in accordance with section 552.130 of the Government Code.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/open-records-memorandum-rulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup> As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.