



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2020

Mr. Thomas L. McMillian
Assistant City Attorney
Public Safety Legal Advisor
City of Amarillo
200 Southeast Third Avenue, Fourth Floor
Amarillo, Texas 79101

OR2020-12017

Dear Mr. McMillan:

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# 824704

The City of Amarillo (the "city") received a request for information pertaining to a specified motor vehicle accident. You state the city released information to the requestor, but made redactions as permitted by section 552.130(c) of the Government Code without requesting a decision from this office. Pursuant to section 552.130(d), the requestor has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under section 552.130(a) of the Government Code. We understand the city also claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the city's position and reviewed the 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.). Thus, the city must withhold the public citizen's date of birth you redacted 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. Gov't Code § 552.130. Accordingly, the city must continue to withhold the motor vehicle record information you redacted under section 552.130 of the Government Code.

In summary, the city must withhold the public citizen's date of birth you redacted under section 552.101 of the Government Code in conjunction with common-law privacy. The city must also continue to withhold the motor vehicle record information you redacted under section 552.130 of the Government Code.

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 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,

Jahna Ward
Assistant Attorney General
Open Records Division

JW/gw

Ref: ID# 824704

Enc. Submitted documents

c: Requestor
(w/o enclosures)