



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 22, 2020

Ms. P. Armstrong
Assistant City Attorney
City of Dallas
1400 South Lamar, 6TH Floor, 6W
Dallas, Texas 75215

OR2020-14361

Re: Request for ORR# D001567-011620

Dear Ms. Armstrong:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 829904 (ORR# D001567-011620).

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 represent you are withholding some of the requested information pursuant to section 552.130(c) of the Government Code and Open Records Letter No. 2017-09757 (2017).¹ You also claim the information you have marked under section 552.108(a)(1) of the Government Code may be withheld from public disclosure pursuant to that section on behalf of a law enforcement agency with a law enforcement interest.² Further, you inform this office the 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).

¹ Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor pursuant to section 552.130(e). *See id.* § 552.130(d), (e). Open Records Letter No. 2017-09757 authorizes the [] to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).

² You acknowledge, and we agree, you did not comply with the requirements of section 552.301 of the Government Code. *See* Gov't Code § 552.301(b), (e). Nevertheless, third-party interests can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301.

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)