



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 6, 2020

Mr. Mark C. Kratovil
Assistant Criminal District Attorney
Tarrant County
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2020-27954

Dear Mr. Kratovil:

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# 852852.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified investigation. The district attorney's office indicates it will withhold information pursuant to section 552.130(c) of the Government Code.¹ The district attorney's office claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't

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 in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

Code § 552.101. This section encompasses section 414.007 of the Government Code, which reads as follows:

A record relating to a tip received under Section 414.0015(a) maintained by the [Texas Crime Stoppers Council], a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school, including the identity of the person who submitted the tip, is confidential and is not subject to disclosure under [the Act].

Gov't Code § 414.007. The district attorney's office states the information it marked under section 414.007 relates to tips received by Tarrant County Crime Stoppers. *See id.* § 414.001(2)(B) (defining "crime stoppers organization"); *see also id.* § 414.0015 (establishing procedures for accepting and forwarding crime stoppers tips). Thus, the district attorney's office must withhold the information it has marked under section 552.101 of the Government Code in conjunction section 414.007 of the Government Code.

Section 552.101 of the Government Code also 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 Third Court of Appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *See 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.). We agree the district attorney's office must withhold the dates of birth it has marked under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the district attorney's office must withhold the information it has marked under section 552.101 of the Government Code in conjunction section 414.007 of the Government Code. The district attorney's office must also withhold the dates of birth it has marked under section 552.101 of the Government Code in conjunction with common-law privacy. The district attorney's office must release the remaining information.

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jxd

Ref: ID# 852852

Enc. Submitted documents

c: Requestor
(w/o enclosures)