



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 28, 2022

Ms. Audrey Guthrie  
Counsel for the City of Kyle  
The Knight Law Firm, L.L.P.  
223 West Anderson Lane, Suite A-105  
Austin, Texas 78752

OR2022-02581

Dear Ms. Guthrie:

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# 927195 (Ref. No. W010142).

The City of Kyle ("city"), which you represent, received a request for a specified pseudonym form. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim 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 Code § 552.101. Section 552.101 encompasses chapter 58 of the Code of Criminal Procedure. Article 58.152(a) of the Code of Criminal Procedure provides, in relevant part, "[a] victim [of stalking] may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings." Crim. Proc. Code art. 58.152(a). Article 58.153(b) provides a completed pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except by court order. *Id.* art. 58.153(b). Upon review, we find the city has demonstrated the submitted information is confidential under article 58.153. Thus, the city must withhold the submitted pseudonym form under section 552.101 of the Government Code in conjunction with article 58.153 of the Code of Criminal Procedure.

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,

Michelle Garza  
Assistant Attorney General  
Open Records Division

MRG/be

Ref: ID# 927195

Enc. Submitted documents

c: Requestor  
(w/o enclosures)