



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 9, 2022

Ms. Jeri C. Carter
City Secretary's Office
Open Records Center
1500 Marilla Street
Dallas, Texas 75201

OR2022-04694A

Dear Ms. Carter:

This office issued Open Records Letter No. 2022-04694 (2022) on February 16, 2022. We have examined this ruling and determined we will correct the previously issued ruling. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"), chapter 552 of the Government Code). Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on February 16, 2022. The request was assigned ID# 930851.

The City of Dallas (the "city") received a request for all e-mails and text messages sent or received by a named employee during a certain time period. You state the city will release some information. We understand the city will redact certain information under section 552.117(a)(1) of the Government Code pursuant to section 552.024(c) of the Government Code and personal e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision 684 (2009).¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.107, 552.111, and 552.139 of the

¹ Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of current or former officials or employees of a governmental body. *See* Gov't Code § 552.117(a)(1). Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the current or former employee or official chooses not to allow public access to the information. *See id.* § 552.024(c). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of requesting an attorney general opinion, including personal e-mail addresses under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. *See* ORD 684.

Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

We note the information at issue was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2022-06089 (2022). In that ruling, we determined the city (1) may generally withhold Exhibit F under section 552.107(1) of the Government Code; however, if the non-privileged e-mail attachment we marked is maintained by the city separate and apart from the otherwise privileged e-mail in which it appears, then it must be released; (2) with the exception of the information we marked for release, the city may withhold Exhibit B under section 552.111 of the Government Code; (3) the city must withhold the information we marked under section 552.139 of the Government Code; (4) the city must withhold the information we indicated under section 552.101 of the Government Code in conjunction with 261.201 of the Family Code; (5) the city must withhold the information we indicated under section 552.101 of the Government Code in conjunction with common-law privacy; and (6) the city must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the city must continue to rely on Open Records Letter No. 2022-06089 as a previous determination and withhold or release the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address your submitted arguments.

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,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/jm

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Ref: ID# 930851

Enc. Submitted documents

c: Requestor
(w/o enclosures)