



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 7, 2022

Ms. Lizbeth Islas Plaster
City Attorney
City of Lewisville
P.O. Box 299002
Lewisville, Texas 75029-5070

OR2022-10181

Re: Request for COL Ref. No. P046875-011322

Dear Ms. Plaster:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 940513

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue.¹ Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. Upon review, we find you must release the DIC-24 Statutory Warning. In releasing the DIC-24 form, you must withhold the date of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV,

¹ We note the City of Lewisville (the "city") received an initial request for the same information from this requestor on July 21, 2021. In response to the initial request, the city informs us it released basic information to the requestor within five business days and withheld certain information under section 552.108(a)(1) of the Government Code, pursuant to the previous determination this office issued to the city in Open Records Letter No. 2016-25470 (2016). Subsequently, the requestor made a second request for the same information on January 13, 2022.

2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Upon review of your arguments and the remaining information, we conclude you may withhold the remaining information under section 552.108(a)(1). However, as you acknowledge, you must release the basic information pursuant to section 552.108(c) of the Government Code. We note the remaining information includes information that may have been filed with a court. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Thus, if the information has been filed with a court, you must release the information.

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)