



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 18, 2022

Ms. Heather Silver  
Assistant City Attorney  
City of Dallas  
1400 Botham Jean Boulevard  
Dallas, Texas 75215

OR2022-24760

Re: Dallas ORR# D006697-031722

Dear Ms. Silver:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 963544.

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 state you have released some of the requested information. You claim the information marked as "552.108" may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code.<sup>1</sup> Upon review of your arguments and the information, we conclude you may withhold the information marked as "552.108" under section 552.108(a)(1). We agree you must withhold the marked motor vehicle record information in accordance with section 552.130 of the Government Code. Lastly, you must withhold the marked dates of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No.

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<sup>1</sup> You acknowledge you failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b), (e). However, the needs of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason sufficient to overcome the presumption of openness. *See* Open Records Decision No. 586 (1991). Because you inform us, and provide documentation showing, the Dallas County District Attorney's Office objects to the release of the information at issue, we will consider whether you may withhold the information under section 552.108 on behalf of the Dallas County District Attorney's Office. Additionally, because sections 552.101 and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness caused by a failure to comply with section 552.301, we will address the applicability of these exceptions to the information, notwithstanding your violation of section 552.301 in requesting this decision. *See* Gov't Code §§ 552.007, .302.

03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.).

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)