



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 4, 2015

Ms. Elizabeth Lutton
Legal Advisor
County of Dallas
Dallas County Sheriff's Department
Frank Crowley Criminal Courts Building
133 North Riverfront Boulevard, LB-31
Dallas, Texas 75207-4313

OR2015-08645

Dear Ms. Lutton:

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# 568253.

The Dallas County Sheriff's Department (the "sheriff's department") received a request for incarceration records for a named individual. You state the sheriff's office has released most of the requested information to the requestor. You claim some of the requested information is excepted from disclosure under section 552.102 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy[.]" Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll

¹Although you do not raise section 552.102 in your briefing to this office, we understand you to raise this exception based on your arguments. Additionally, we note the sheriff's department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nevertheless, because the exception you claim can provide a compelling reason to overcome the presumption of openness, we will consider your claimed exception for the submitted information. *See id.* §§ 552.007, .302, .352.

database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Thus, under the *Texas Comptroller* decision, section 552.102(a) is applicable to the birth date of an employee of a governmental body in a record maintained by the employer in an employment context. The dates of birth at issue in the requested information are held by the sheriff's department in a law enforcement context. Thus, we find the dates of birth at issue are not subject to section 552.102(a) of the Government Code, and the sheriff's department may not withhold them on that basis. As you raise no other exception to disclosure of the information at issue, the sheriff's department must release it to the requestor.

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 http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 568253

Enc. Submitted documents

c: Requestor
(w/o enclosures)