



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 24, 2015

Ms. Courtney Rutherford
Assistant City Secretary
City of Jersey Village
16327 Lakeview Drive
Jersey Village, Texas 77040

OR2015-15087

Dear Ms. Rutherford:

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# 575426 (PIR# 155).

The Jersey Village Police Department (the "department") received a request for information pertaining to traffic citations for a specified time period. You claim some of 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.

You assert the dates of birth in the submitted information are excepted from disclosure under section 552.101 of the Government Code in conjunction with common-law privacy on the basis of the decision in *City of Dallas v. Abbott*, No. D-1-GV-12-000861 (53rd Dist. Ct., Travis County, Tex., July 11, 2013). 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. We note in *Paxton v. City of Dallas*, No. 03-13-00546-CV (Tex. App.—Austin, May, 22, 2015) (mem. op.), the Third Court of Appeals of Texas recently affirmed the trial court's ruling; however, the time for filing a petition for review with the Texas Supreme Court has not expired. Tex. R. App. P. 53.7. Upon review, we find the court's decision is limited to the facts and information at issue in the underlying letter rulings, and does not apply to the information currently at issue. Accordingly, the department may not withhold the dates of birth in the information at issue

based on the court's decision in that case. As you raise no other exceptions to disclosure, the submitted information must be released.

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,

A handwritten signature in cursive script, appearing to read "Paige Thompson".

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 575426

Enc. Submitted documents

c: Requestor
(w/o enclosures)