



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1992

Ms. A. Lynn Nunns
Assistant City Attorney
City of Corpus Christi
Legal Department
P. O. Box 9277
Corpus Christi, Texas 78649-9277

OR92-253

Dear Ms. Nunns:

You ask whether certain requested information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID #15640.

The City of Corpus Christi has received a request for disclosure of the names and cellular telephone numbers of all city officers or employees that have been assigned a City owned cellular telephone. The city contends that the assigned telephone numbers of employees with law enforcement duties are excepted from disclosure by section 3(a)(8) of the Open Records Act; and the assigned telephone numbers of employees who purchased their own cellular phone and pay for all cellular calls are excepted from disclosure by section 3(a)(1), 3(a)(2), and 3(a)(17) of the Open Records Act.

This issue was addressed in Open Records Decision No. 506 (1988), where we ruled as follows:

Section 3(a)(8) of the Texas Open Records Act, article 6252-17a, V.T.C.S., protects from required public disclosure the cellular mobile phone numbers assigned to public and private vehicles used by county officials and employees with specific law enforcement responsibilities.

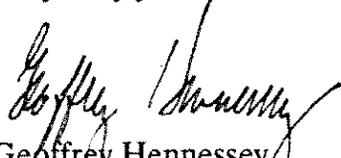
Sections 3(a)(1), 3(a)(2), 3(a)(9), and 3(a)(17) do not protect the cellular mobile phone numbers installed by and billed to the county for public and private vehicles used by non-law enforcement county officials and employees. Section 3(a)(17) protects the cellular mobile phone numbers of county officials and employees who pay directly for the purchase of, installation of, and billing to phones installed in their private vehicles if the officials and employees request that the numbers be maintained as confidential pursuant to section 3[A(a)] of the act.

Open Records Decision No. 506 at 6-7 (quoting the summary).

We have examined the documents submitted to us for review. The document lists city officials and employees with cellular phones, and designates which individuals are involved in law enforcement and which have been privately paid for by the city official or employee. The city may withhold from disclosure the cellular telephone numbers of city officials and employees: who have specific law enforcement functions; and those who pay for their own cellular phone and have requested that their private numbers be confidential pursuant to section 3(a) of the Open Records Act. The city must disclose the cellular telephone numbers of city officials and employees if the cellular phone is paid for by the city and if the city official or employee is not engaged in law enforcement.

Because case and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling, rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-253.

Very truly yours,


Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

cc: Mr. Eric A. Wramp
Corpus Christi Police Officers' Association
3122 Leopard Street
Corpus Christi, Texas 78408