Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 9, 1995

Mr. David M. Berman
City Attorney of Balch Springs
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR95-259

Dear Mr. Berman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31099.

The City of Balch Springs (the "city"), which you represent, received an open records request for 911 "call sheets" pertaining to a specific residence location over a period of approximately one year. You explain that 911 call sheets:

> are information cards which are assembled after 911 emergency calls are placed to the City's police department. They contain basic information concerning the call including, *inter alia*, the name, phone number and address of the person who placed the call, the ID numbers of the dispatcher who took the call and the police officers dispatched to the scene, the time the call was received and responded to, and comments relating to the situation.

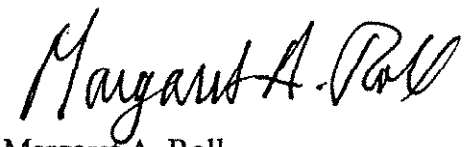
You contend the requested information comes under the protection of the informer's privilege, as incorporated into section 552.101 of the Government Code, and section 552.108 of the Government Code, the "law-enforcement" exception.

Your request is governed by Open Records Decision No. 394 (1983) (copy enclosed), in which this office concluded that the types of information contained in radio logs and radio cards utilized by the City of Pampa Police Department were no different from the types of information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), and therefore must be disclosed.

The same holds true here; the information contained in the 911 call sheets is substantially the same as that specifically held to be public in *Houston Chronicle Publishing Co.*, and therefore it may not normally be withheld from the public pursuant to either section 552.101 or 552.108. Although Open Records Decision No. 394 (1983) at 4 acknowledged that the withholding of the identity of a complainant or informant[1] may occasionally be justified under the statutory predecessor to section 552.101, you have made no specific showing that such is the case here. Because this office has no basis on which to conclude that the identities of the 911 callers are confidential under section 552.101, the city must release the requested information.[2]

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/RWP/rho

Ref.: ID# 31099

Enclosures: Open Records Decision No. 394 (1983)
Submitted documents

cc: Mr. Richard E. Riley
522 Edmonds #201
Lewisville, Texas 75067
(w/o enclosures)

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[1]We note that not all individuals who place 911 calls can be categorized as either "informants" or "complainants."

[2]Despite our request that you submit to this office for review copies of the records at issue, you have refused to do so because "the effort and expense of production would be prohibitive . . . ." We note that the administrative inconvenience of providing public records is not grounds for refusing to comply with the mandates of the Open Records Act. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).