



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 11, 1997

Mr. G. Mike Davis  
State Fire Marshal  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286

OR97-0770

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 105187.

The Texas Commission on Fire Protection (the "commission") received a request for "all documents and/or reports concerning a fire which occurred at the Crystal City Detention Center in Crystal City, Texas." You inform us that you have released a substantial portion of the requested records, but claim that the remainder of the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.117 of the Government Code. We have considered the exceptions you claim.<sup>1</sup>

First, you assert that sections 552.101 and 552.117 protect the home telephone numbers of the detention officers (jailers). Section 552.117 excepts from public disclosure the home telephone number of 1) a current or former employee of a governmental body in conjunction with section 552.024, or 2) a peace officer as defined by article 2.12 of the Code of Criminal Procedure or a security officer commissioned under section 51.212 of the Education Code. A detention officer is not a peace officer as defined by either of the two applicable statutes. *See* Code Crim. Proc. art. 2.12; Educ. Code § 51.212. Although the detention officers are not peace officers, they are current public employees. Section 552.117 requires you to withhold the home telephone number of a current or former employee or official who requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold the information of a current or former employee who made the request for confidentiality under section 552.024 after this request for information was made. Whether a particular piece of information is public must be determined at the time the request for it is made.

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<sup>1</sup>Although you have not submitted the specific information for our review because of security concerns, we will nevertheless rule on the requested information.

Open Records Decision No. 530 (1989) at 5. Therefore, if, prior to the current open records request, the detention officers made the election provided for in section 552.024 of the Government Code that their home telephone numbers remain confidential, the commission must withhold that information.

Next, you assert that section 552.108 excepts the blueprints of the detention center from public disclosure because release of this information "might compromise the facility and unduly interfere with law enforcement security in the county." Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the requested information falls within the purview of section 552.108, we conclude that section 552.108 of the Government Code excepts the requested records from required public disclosure. *See* Open Records Decision No. 413 (1984) (sketch showing planned prison security measures constitutes internal record of law enforcement agency which is maintained for internal use in matter relating to law enforcement within the meaning of predecessor to section 552.108, and it may therefore be withheld from public disclosure). You may choose, however, to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 105187

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