



Office of the Attorney General
State of Texas

August 19, 1997

DAN MORALES
ATTORNEY GENERAL

Mr. G. M. Cox
Chief of Police
200 North 12th Street
Corsicana, Texas 75110

OR97-1858

Dear Chief Cox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107910.

The Corsicana Police Department (the "department") received a request for all alarm permits for the requestor's future customers as well as all burglary reports for the years 1996 and 1997. You claim that the requested records are excepted from required public disclosure by sections 552.101, 552.104, and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the sample documents you have submitted.¹

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 28(e) of the Private Investigators and Private Security Agencies Act (the "Act"), V.T.C.S. article 4413(29bb) provides:

Information that is contained in alarm systems records held by a governmental body and that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the board or as otherwise required by state law or court order.²

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988); 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²Section 28 of article 4413(29bb) added subsection (e) by Acts 1983, 68th Leg., p. 2915, ch. 496, § 1, eff. Aug. 29, 1983; with the subsequent amendment of section 28(e) of article 4413(29bb) by Acts 1995, 74th Leg., ch. 790, § 11, eff. March 1, 1996.

Some of the requested permit information comes within the purview of V.T.C.S. article 4413(29bb), section 28(e). They are alarm systems records held by a governmental body that concern the location of an alarm system, the name of the occupant of an alarm system location as well the type of alarm system. We note, however, that section 28(e) applies only to burglar alarms. Open Records Letter No. 96-1060 (1996). Section 28(e) does not make fire alarm or medical assistance alarms confidential. *Id.* Consequently, you must withhold the requested permit information under section 552.101 of the Government Code if it relates to a burglar alarm and concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used. Any other information on the burglar alarm permit may not be withheld under section 28(e), e.g. the name of the alarm company.

We will now address whether you must release the requested burglary reports, or any alarm permit information or alarm permits not protected by section 28(e), such as permits pertaining only to fire or medical assistance alarms and the alarm company names on burglar alarm permits. 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). We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ’g 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); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. See Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*). The requested burglary reports deal with the detection, investigation, or prosecution of crime. We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested reports from required public disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov’t Code § 552.007.

As for the permit applications that only pertain to a fire or medical assistance alarm and any information not protected by section 28(e), we believe this information only indirectly relates to law enforcement. Thus, we do not believe that this information is excepted by section 552.108. Further, we do not believe that these permits or permit information are protected by section 552.104. The purpose of this exception is to protect the interests of a governmental body in competitive bidding situations. See Open Records Decision No. 592 (1991). Section 552.104 is not designed to protect the interests of private parties that submit information to a governmental body. *Id.* at 8-9. Thus, any alarm permit information not protected by section 28(e), including those alarm permits not concerning a burglar or robbery alarm system, must be released.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 107910

Enclosures: Submitted documents

cc: Mr. Bryan Heim
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(w/o enclosures)

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