



December 3, 1999

Mr. Ricardo Gonzalez
Assistant City Attorney
City of Edinburg
P. O. Box 1079
Edinburg, Texas 78540-1079

OR99-3483

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129940.

The City of Edinburg (the "city") received two requests for, among other things, "all of the itemized bills that consist of the (10) ten mobile telephones that are assigned to the Edinburg Police Department." Citing Open Records Decision No. 506 (1988) as authority, you contend that the requested information is excepted from disclosure pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) of the Government Code, the "law-enforcement" exception, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." In Open Records Decision No. 506, this office concluded that the law-enforcement exception "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." That conclusion is equally applicable here. The city may withhold the cellular telephone numbers contained in the requested bills pursuant to section 552.108.

You have not, however, submitted to this office copies of the requested telephone bills. Section 552.301 of the Government Code dictates the procedure that a governmental body

must follow when it seeks a decision from the attorney general as to whether requested information falls within an exception to disclosure. Among other requirements, the governmental body must submit “a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested.” Gov’t Code § 552.301(e)(1)(D). Otherwise, the requested information “is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold information.” Gov’t Code § 552.302. Because you did not submit copies of the requested cellular telephone bills or provide this office with compelling reasons for withholding those telephone bills, the city must release all such bills to the requestors with the respective telephone numbers redacted.¹

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

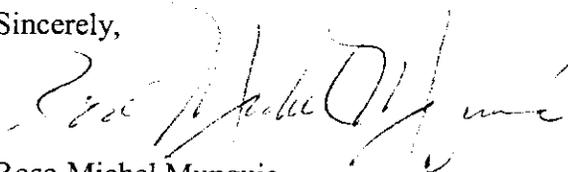
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

¹We note, however, that to the extent the telephone bills reveal city employees’ home telephone numbers, those numbers must be withheld in accordance with sections 552.024 and 552.117 of the Government Code.

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Rose-Michel Munguia
Assistant Attorney General
Open Records Division

RMM/RWP/jc

Ref: ID# 129940

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