



April 24, 2002

Ms. Meredith A. Ladd
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR2002-2110

Dear Ms. Ladd:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 161761.

The City of Arlington Police Department (the "department") received a request for copies of the "names of businesses charged fees for more than five false alarms in 2001 under [City of Arlington] Ordinance that covers Alarm Systems. I also request the number and the amount of the fees, in addition to the dates of the false alarms for which said fees were assessed, for each business." You claim that portions of the requested information are excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted representative sample documents.¹

You claim that portions of the information are excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code.² Section 1702.284 provides:

Information contained in alarm systems records maintained by a governmental body that concerns the location of an alarm system, the name

¹ 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.

² Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. See Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes.

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.

Occ. Code § 1702.284. Accordingly, we conclude that the department must withhold the locations of the alarm systems and the names of the occupants of the alarm system locations, which we have marked, from disclosure pursuant to section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. However, the department has not explained, nor do the documents reflect, why the permit numbers and police report numbers contained within the documents should be withheld from disclosure under section 1702.284. *See* Open Records Decision No. 465 at 4-5 (1987) (finding that, in order for information to fall within scope of section 552.101, a statute explicitly must require confidentiality and that confidentiality will not be inferred from statutory structure). Therefore, we cannot conclude that those numbers are confidential under section 1702.284 of the Occupations Code and, thus, are excepted from disclosure pursuant to section 552.101 of the Government Code. Consequently, all of the remaining information contained within the documents must be released to the requestor.

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).

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).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,



Ronald J. Bounds
Assistant Attorney General
Open Records Division

RJB/sgs

Ref: ID# 161761

Enc: Marked documents

cc: Mr. Jason Trahan
Arlington Bureau
Dallas Morning News
P.O. Box 655237
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(w/o enclosures)