



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 13, 2006

Ms. Julie Joe  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2006-10663

Dear Ms. Joe:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 259336.

The Travis County Sheriff's Office (the "sheriff's office") received a request for the names and addresses for all alarm permit applications, new and renewal permits issued, and fees billed and collected in the 78738 zip code for the period January 1, 2005 to the date of the request. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.<sup>1</sup>

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision" and encompasses information made confidential by statute. Gov't Code § 552.101. Section 1702.284 of the Occupations Code provides as follows:

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

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<sup>1</sup>We assume that the 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.

of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the [Texas Commission on Private Security] or as otherwise required by state law or court order.

Occ. Code § 1702.284. You have submitted a list of alarm system permit applicants and recipients. We have marked the resident and business names and addresses which must be withheld under section 552.101 in conjunction with section 1702.284. However, the requested permit fee information is not confidential under section 1702.284. Thus, this information may not be withheld under section 552.101 on this basis, and must be released to the requestor.

Next, you ask whether the interagency transfer doctrine permits disclosure of the requested information to the requestor in this instance. The interagency transfer doctrine provides that information may be transferred between governmental bodies without violating its confidential character on the basis of a recognized need to maintain an unrestricted flow of information between governmental bodies. *See* Attorney General Opinion. Nos. GA-0055 (2003); Open Records Decision Nos. 680 at 7 (2003), 667 at 3-4 (2000). However, the interagency transfer of information is prohibited where a confidentiality statute enumerates specific entities to which release of the information is authorized and where the potential receiving governmental body is not among the statute's enumerated entities. *See* Attorney General Opinions DM-353 at 4 n. 6 (1995), JM-590 at 4-5 (1986); *see also* Open Records Decision Nos. 655 (1997), 440 at 2 (1986) (construing predecessor statute).

We note that section 1702.284 of the Occupations Code specifically provides that the information at issue "is confidential" and "may be disclosed only to the [Texas Commission on Private Security] or as otherwise required by state law or court order." Occ. Code § 1702.284. Because the legislature has determined that this information is confidential and may only be released to a specified entity or in accordance with other law or a court order, release of this information is prohibited unless the recipient of the information is the Texas Commission on Private Security or the release is required by state law or court order. The requestor in this instance is not the Texas Commission on Private Security. Furthermore, you have not identified, nor are we aware of, any state law or court order that would require release of this information to the requestor. Thus, the interagency transfer doctrine does not permit disclosure of the confidential information to the requestor. Accordingly, the department must withhold the information we have marked under section 552.101 in conjunction with section 1702.284 of the Occupations Code.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. 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 Office of the Attorney General 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. 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,



Shelli Egger  
Assistant Attorney General  
Open Records Division

SE/sdk

Ref: ID# 259336

Enc. Submitted documents

c: Ms. Cheryl S. Lucker  
Bee Cave Police Department  
13333-A Highway 71 West  
Bee Cave, Texas 78738  
(w/o enclosures)