



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 8, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-04975

Dear Mr. Bounds:

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# 375201.

The City of Corpus Christi (the "city") received a request for three categories of information pertaining to the city's red light cameras, as well as "all current TALKGROUP IDS available on the city's EDACS radio network, complete with the DEC codes and their corresponding ALPHA TAGS or talkgroup descriptions." You indicate the city has released information pertaining to the city's red light cameras. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

You have submitted information pertaining to the city's EDACS radio network. We note only the information that pertains to TALKGROUP IDS, DEC codes, ALPHA TAGS or talkgroup descriptions is responsive to this request. This ruling does not address the public availability of nonresponsive information, which we have marked, and the city is not required to release nonresponsive information in response to this request.

Section 552.108(b)(1) of the Government Code excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would

interfere with law enforcement and crime prevention. Open Records Decision No. 531 at 2 (1989) (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). To demonstrate the applicability of this exception, a governmental body must meet its burden of explaining how and why release of the requested information would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). This office has stated that under the statutory predecessor to section 552.108(b), a governmental body may withhold information that would reveal law enforcement techniques or procedures. *See, e.g.*, Open Records Decision Nos. 531 (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 (1987) (release of forms containing information regarding location of off-duty police officers in advance would unduly interfere with law enforcement), 413 (1984) (release of sketch showing security measures to be used at next execution would unduly interfere with law enforcement), 409 (1984) (if information regarding certain burglaries exhibit a pattern that reveals investigative techniques, information is excepted under predecessor to section 552.108), 252 (1980) (predecessor to section 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted). Generally known policies and techniques, however, may not be withheld under section 552.108. *See, e.g.*, ORDs 531 at 2-3 (Penal Code provisions, common law rules, and constitutional limitations on use of force are not protected under section 552.108), 252 at 3 (governmental body did not meet burden because it did not indicate why investigative procedures and techniques requested were any different from those commonly known).

While the requestor claims the information at issue is widely available, you represent that this information is not widely available. You further explain that the release of talkgroup identification channels and radio frequencies would enable an individual to program a radio to broadcast on the same channels and frequencies utilized by the city's police, fire, and medical departments. You also state that if this information is released, a person who purchases commercially available hardware, software, and radio equipment could effectively "hack" into the system. You claim that the "hackers" would then have access to personnel deployment information and other vital law enforcement information. You also advise that information gathered from monitoring police frequencies regarding the location of police officers in tactical situation would unduly interfere with law enforcement and place officers in jeopardy. Based on your representations and our review, we agree that the release of the information at issue will interfere with law enforcement.

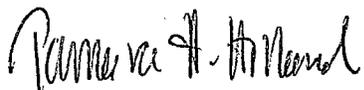
The requestor, however, also asserts that he only wants to monitor radio traffic with a legally available radio scanner and does not intend to transmit on any of the requested talkgroups or frequencies. This office has determined the Act does not permit the consideration by a governmental body or this office of a requestor's intended use of information when responding to open records requests. *See* Gov't Code § 552.222(a) (stating governmental body may not inquire into purpose for which information will be used); *see also* Open Records Decision Nos. 508 (1988) at 2 (motives of a person seeking information under the

Act are irrelevant), 51 (1974). Therefore, the city may withhold the responsive information from disclosure under section 552.108(b)(1).

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 375201

Enc. Submitted documents

c: Requestor
(w/o enclosures)