



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 27, 2014

Sheriff Alonso Lopez
County of Zapata
2311 Stop 23A
Zapata, Texas 78076

OR2014-01519

Dear Sheriff Lopez:

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# 512120.

The Zapata County Sheriff's Office (the "sheriff's office") received three requests from the same requestor for information concerning: (1) the number of resignations from the sheriff's office during a certain period, (2) the sheriff's office hours and cellular telephone number, and (3) the remodeling of the sheriff's office. You state the sheriff's office will release some of the information, but it does not maintain other portions of the requested information.¹ You claim the sheriff's cellular telephone number is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim.

Section 552.108(b)(1) 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. Gov't Code § 552.108(b)(1); *see also* Open Records Decision No. 531 at 2 (1989). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *City of Ft. Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex.

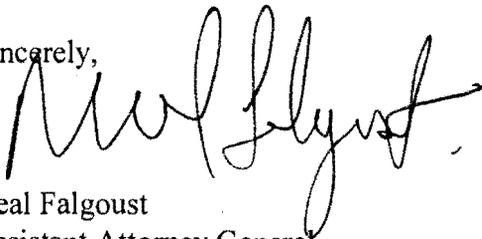
¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

App.—Austin 2002, no pet.). 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). In Open Records Decision No. 506, this office determined the statutory predecessor to section 552.108(b) excepted from disclosure “cellular mobile phone numbers assigned to county officials and employees with specific law enforcement responsibilities.” Open Records Decision No. 506 at 2 (1988). We noted the purpose of the cellular telephones was to ensure immediate access to individuals with specific law enforcement responsibilities and that public access to these numbers could interfere with that purpose. *Id.* You state the requested cellular telephone number is assigned to the sheriff so that he may carry out his law enforcement responsibilities. You explain releasing this information would lead to unsolicited telephone calls to the sheriff, which would interfere with his law enforcement duties. Based on this representation, we agree the sheriff’s office may withhold the sheriff’s cellular telephone number under section 552.108(b)(1) of the Government Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/som

Ref: ID# 512120

Enc. Submitted documents

c: Requestor
(w/o enclosures)