



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 5, 2014

Ms. Teresa J. Brown  
Senior Open Records Assistant  
Plano Police Department  
P.O. Box 860358  
Plano, Texas 75086-0358

OR2014-03734

Dear Ms. Brown:

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# 515786 (Plano Tracking #SNIC120213).

The Plano Police Department (the "department") received a request for a specified police report. You state some of the requested information has been released to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 1702.284 of the Occupations Code.<sup>1</sup> Section 1702.284(a) provides:

(a) 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 note the department failed to comply with the procedural requirements of section 552.301(e-1) of the Government Code by not providing the requestor with any portion of its arguments under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. *See* Gov't Code § 552.301(e-1) (requiring a governmental body that submits written comments to the attorney general to send a copy of those comments to the requestor within fifteen-business-days of receiving the request). Nonetheless, section 552.101 is a mandatory exception that constitutes a compelling reason sufficient to overcome the presumption of openness caused by the failure to comply with section 552.301. *See id.* §§ 552.007, .302. Therefore, we will address the department's assertion of section 1702.284 of the Occupations Code.

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 Private Security Board], to the alarm company to which the confidential records relate, or as otherwise required by state law or court order.

Occ. Code § 1702.284(a); *see also id.* § 1702.002(1)(A)(ii) (defining “alarm system” as electronic equipment and devices designed to detect or signal the occurrence of a robbery or other emergency). You assert portions of the submitted information are excepted from disclosure under section 1702.284. However, we note section 1702.284 is not applicable to investigative information. *See* Act of June 19, 1983, 68th Leg., R.S., ch. 496, § 1, 1983 Tex. Gen. Laws 2915. Accordingly, the department may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. As you raise no further exceptions to disclosure, the submitted information must be released.

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](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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/dls

Ref: ID# 515786

Enc. Submitted documents

c: Requestor  
(w/o enclosures)