



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 14, 2014

Ms. Michelle M. Kretz
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2014-06139

Dear Ms. Kretz:

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# 521609 (P.I.R. No. W031904).

The City of Fort Worth (the "city") received a request for: (1) all police reports pertaining to either of two named individuals, including details of any related 9-1-1 calls; (2) information pertaining to visits by the police to two specified addresses during a specified time period; and (3) information pertaining to 9-1-1 calls to police pertaining to two specified addresses during a specified time period. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

We note some of the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-03598 (2014). In that decision, we ruled some of the requested information was excepted from disclosure under section 552.101 of the Government Code in conjunction with common-law privacy and section 552.130 of the Government Code. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and continue to withhold or release any previously ruled upon information in accordance with that prior ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where

requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). To the extent the submitted information was not previously ruled upon, we will consider your arguments against disclosure.

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. 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 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 incident detail reports, as well as portions of a 9-1-1 audio recording, 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 city may not withhold any of the information at issue in the incident detail reports or the 9-1-1 audio recording under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code.

Next, you state the city will redact portions of the submitted information relating to 9-1-1 callers pursuant to Open Records Letter Nos. 2011-15641 (2011) and 2011-15956 (2011). Open Records Letter Nos. 2011-15641 and 2011-15956 are previous determinations authorizing the city to withhold the originating telephone numbers and addresses, respectively, of 9-1-1 callers furnished to the city by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code, without requesting a decision from this office. You indicate some of the information you have marked in the submitted incident detail reports was furnished by a 9-1-1 service provider. We note, however, that you have marked 9-1-1 callers’ names in addition to 9-1-1 callers’ telephone numbers on the incident detail reports. We note that only the originating addresses and telephone numbers of 9-1-1 callers are confidential under chapter 772 of the Health and Safety Code. Accordingly, the city may not withhold the callers’ names under section 552.101 on this basis. To the extent, however, the telephone numbers we have marked in the submitted incident detail reports were provided by a 9-1-1 service provider, the city must withhold this information under section 552.101 of the Government Code in

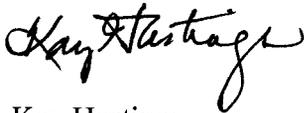
conjunction with section 772.218 of the Health and Safety Code. Furthermore, we find the originating telephone number on the 9-1-1 audio recording was provided by the caller and not by a service provider; therefore, this telephone number may not be withheld under section 552.101 in conjunction with section 772.218.

In summary, the city must continue to rely on Open Records Letter No. 2014-03598 as a previous determination and continue to withhold or release any previously ruled upon information in accordance with that prior ruling. To the extent the telephone numbers we have marked in the submitted incident detail reports were provided by a 9-1-1 service provider, the city must withhold this information under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code. The city must release the remaining information.

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,



Kay Hastings
Assistant Attorney General
Open Records Division

KHG/ac

Ref: ID# 521609

Enc. Submitted documents

c: Requestor
(w/o enclosures)