



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 4, 2014

Mr. Brandon Carr  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, 3<sup>rd</sup> Floor  
Fort Worth, Texas 76102

OR2014-13499

Dear Mr. Carr:

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# 531478 (PIR No. W034001).

The City of Fort Worth (the "city") received a request for the 9-1-1 history for a specified address for a specified time period, excluding reports pertaining to two minors.<sup>1</sup> You state the city has released some of the requested information. We understand the city will redact certain information you have marked pursuant to Open Records Letter Nos. 2011-15641 (2011), 2013-22304 (2013), and 2014-05072 (2014).<sup>2</sup> You claim the submitted information

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<sup>1</sup>You state requestor narrowed her request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

<sup>2</sup>Open Records Letter Nos. 2011-15641 is a previous determination authorizing the city to withhold the originating telephone numbers 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. Open Records Letter No. 2013-22304 is a previous determination authorizing the city to withhold Federal Bureau of Investigation numbers under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code and federal law without requesting a decision from this office. Open Records Letter No. 2014-05072 is a previous determination authorizing the city to withhold, under section 552.101 of the Government Code in conjunction with common-law privacy, a driver's license organ donor election of a living person without requesting a decision from this office.

is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code.<sup>3</sup> We have considered the exceptions you claim and reviewed the submitted information.

Exhibits C-2 and C-3 consist of two reports involving two minors you state the requestor excluded from her request for information. Therefore, Exhibits C-2 and C-3 are not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the city need not release such information in response to this request. As such, we need not address your arguments against disclosure of this information under section 552.101 of the Government Code.

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You explain, and submit an affidavit from an officer with the city’s police department (the “department”) stating, the information in Exhibit C-1 pertains to a pending criminal investigation by the department. Based upon these representations and our review, we conclude release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to Exhibit C-1.

We note, however, section 552.108 of the Government Code does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing the types of information considered to be basic information). We note basic information does not include information subject to section 552.130 of the Government Code. *See* ORD 127. In this instance, Exhibit C-1 consists of a computer aided dispatch (“CAD”) report. In Open Records Decision No. 649 (1996), this office concluded information contained in a CAD report is substantially the same as basic information. *See* ORD 649 at 3; *see also* Open Records Decision No. 394 at 3 (1983) (there is not qualitative difference between information contained in radio cards or radio logs and front-page offense report information expressly held to be public in *Houston Chronicle*; thus, such information is generally public).

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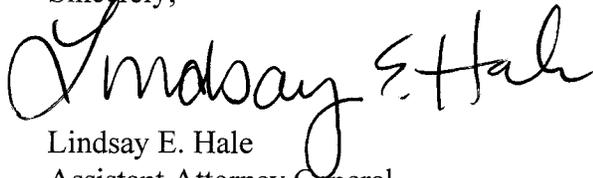
<sup>3</sup>Although you do not raise section 552.130 of the Government Code in your brief to this office, we understand you to raise this exception based on your markings.

Therefore, except for basic information under section 552.108(c), which must be released, the city may withhold Exhibit C-1 under section 552.108(a)(1).<sup>4</sup>

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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/akg

Ref: ID# 531478

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>4</sup>As our ruling is dispositive, we need not address your argument under section 552.130 of the Government Code. We note the remaining information contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).