



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 23, 2015

Mr. Ben L. Stool
Assistant Town Attorney
Boyle & Lowry, L.L.P.
4201 Wingren Drive, Suite 108
Irving, Texas 75062-2763

OR2015-07877

Dear Mr. Stool:

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# 561038.

The Town of Highland Park (the "town"), which you represent, received a request for a list of fire alarm installation permits, fire alarm sprinkler system permits, fire alarm sprinkler installation permits, and fire alarm device installation permits issued by the town 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 exception you claim and reviewed the submitted information.

You assert portions of the submitted information are subject to sections 1702.284 and 1702.286 of the Occupations Code. 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 section 1702.284(a) of the Occupations Code, which provides:

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). Upon review, we find the information we have marked consists of the location of an alarm system, name of the occupant, and type of alarm system made confidential by section 1702.284. Accordingly, the town must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code.¹ However, we find the town has failed to demonstrate the remaining information at issue consists of the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used. Accordingly, no portion of the remaining information may be withheld under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. *See* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure), 649 at 3 (1996) (language of confidentiality provision controls scope of its protection).

Section 1702.286 of the Occupations Code provides, in part:

(b) An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of the installation or activation. The alarm systems company shall provide to the municipality:

- (1) the alarm systems company name;
- (2) the alarm systems company license number;
- (3) the name of the occupant of the alarm system location;
- (4) the address of the alarm system location; and
- (5) the date of installation or activation.

(c) Information provided to a governmental body under this section is confidential and subject to disclosure only as provided under Section 1702.284.

Occ. Code § 1702.286(b)-(c). Section 1702.286(c) makes confidential the alarm systems company name and license number, the name of the occupant and address of the alarm system location, and the date of installation or activation of the alarm system when such information is provided to a governmental body by an alarm systems company. *See id.* § 1702.286(c). You seek to withhold portions of the remaining information under

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

section 1702.286. We have no indication the information at issue is subject to disclosure under section 1702.284. However, we are unable to determine whether the information at issue was provided to a governmental body by an alarm systems company. Therefore, we must rule conditionally. To the extent the remaining information we have marked was provided to a governmental body by an alarm systems company, this information is confidential under section 1702.286 of the Occupations Code, and the town must withhold it under section 552.101 of the Government Code. If the remaining information we marked was not provided to a governmental body by an alarm systems company, then the town may not withhold the remaining marked information under section 552.101 in conjunction with section 1702.286. Furthermore, we find the town has failed to demonstrate the remaining information consists of the alarm systems company name or license number, the name of the occupant and address of the alarm system location, or the date of installation or activation of the alarm system. Accordingly, no portion of the remaining information may be withheld under section 552.101 of the Government Code in conjunction with section 1702.286 of the Occupations Code.

In summary, the town must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. To the extent the remaining information we have marked was provided to a governmental body by an alarm systems company, this information is confidential under section 1702.286 of the Occupations Code, and the town must withhold it under section 552.101 of the Government Code. The town 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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/som

Ref: ID# 561038

Enc. Submitted documents

c: Requestor
(w/o enclosures)