



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 16, 2015

Mr. Jose Hernandez  
Records Supervisor  
City of Edinburg  
Edinburg Police Department  
1702 South Closner Boulevard  
Edinburg, Texas 78539

OR2015-19361

Dear Mr. Hernandez:

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# 579388 (Reference No. 77347).

The Edinburg Police Department (the "department") received a request for the dispatch logs for 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.

Initially, we note some of the submitted information is not responsive to the request for information because it was created after the department received the request. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release this information in response to this request.

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. You argue portions of the responsive information are excepted from public disclosure under section 552.101 of the Government Code in conjunction with section 552.0040 of the Government Code. As initially introduced in the 84th Legislative Session, House Bill 2633 would have amended chapter 552 of the Government Code to add

a new section 552.0040 to provide confidentiality for certain information contained in police dispatch reports concerning motor vehicle accidents. Tex. H.B. 2633, 84th Leg., R.S. (2015) (introduced version, section 3). However, the committee substitute deleted section three of House Bill 2633, which would have added section 552.0040 of the Government Code. See House Comm. on Judiciary and Civil Jurisprudence, Bill Analysis, Tex. H.B. 2633, 84th Leg., R.S. (2015). Thus, section 552.0040 of the Government Code was not enacted. Therefore, we conclude the department may not withhold any portion of the responsive information under section 552.101 of the Government Code in conjunction with section 552.0040 of the Government Code. As you raise no other exceptions to disclosure, the department must release the responsive 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](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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/cbz

Ref: ID# 579388

Enc. Submitted documents

c: Requestor  
(w/o enclosures)