



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1993

Mr. John R. Stevens
Mease & Rorick
4008 Vista, Suite 200
Pasadena, Texas 77504

OR93-592

Dear Mr. Stevens:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 20820.

The City of Shoreacres (the "city"), which you represent, has received an open records request for certain telephone bills for the cellular telephones used by the city's mayor and chief of police. You have already released the relevant information concerning the mayor's cellular telephone. You also do not object to release of some of the information contained in the monthly bills for the cellular telephone used by the chief of police. You contend, however, that certain information contained in these bills is excepted from public disclosure by section 552.108 (former section 3(a)(8)) of the Open Records Act.

Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime. . . .

¹We note that V.T.C.S. article 6252-17a was repealed by the 73d Legislature. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

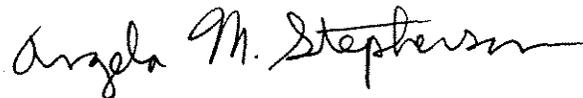
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution. . . .

First, you contend that the cellular telephone number assigned to the chief of police is excepted from disclosure because "release of this number will enable . . . the person requesting this information, and other members of the public to contact, harass and interfere with the law enforcement duties of the Chief of Police." In Open Records Decision No. 506 (1988), this office held that former section 3(a)(8) excepts from disclosure the cellular telephone numbers assigned to government officials with specific law enforcement responsibilities. Accordingly, you may withhold the chief of police's cellular telephone number.

Next, you claim that certain telephone numbers that you have marked in the monthly bills submitted for our review are excepted from disclosure under section 552.108 because these numbers reflect calls the chief of police made to witnesses, confidential informants, and undercover law enforcement agents as part of an ongoing criminal investigation. We agree that release of this information would unduly interfere with the city's law enforcement activities. See Open Records Decision No. 474 (1987). Consequently, this information may also be withheld from disclosure under section 552.108.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Angela M. Stepherson
Assistant Attorney General
Open Government Section

AMS/WMW/rho

Ref: ID# 20820, ID# 20821
ID# 21161, ID# 21408
ID# 21662, ID# 21884
ID# 22068, ID# 22090
ID# 22107, ID# 22114
ID# 22189

Enclosures: Documents submitted

cc: Mr. Richard Herb
200 Southbrook
Shoreacres, Texas 77571
(w/o enclosures)