



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1996

Captain Luther D. Loeser
Friendswood Police Department
109 Willowick Avenue
Friendswood, Texas 77546-3898

OR96-1665

Dear Mr. Moody:

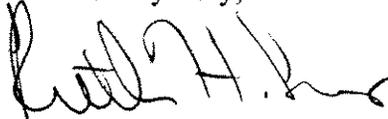
You have asked this office to determine if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request for a decision has been assigned ID# 101104.

The Friendswood Police Department (the "department") received a copy of a 9-1-1 tape from the Brazoria County Sheriff's Office (the "sheriff's office"). A requestor has asked for a copy of the tape. Your department apparently would like to release the tape pursuant to section 552.007, which provides that a governmental body may make information available to the public "unless the disclosure is expressly prohibited by law or the information is confidential under law." You state that you do not believe the information is confidential by law. However, you are concerned that the department may not release the tape because the sheriff's office, which provided you with a copy of the tape, has advised you that office "could not allow the [requestor] to hear the tape."

We note that a governmental body may generally transfer information to another state governmental body without violating the confidentiality of the transferred information or waiving exceptions to disclosure. Open Records Decision No. 516 (1989) at 5; *see also* Gov't Code § 552.007 (selective release of information generally prohibited). However, if the sheriff's office received a written request for the tape and had a basis for raising an exception for release of this information, they should have asked this office for a decision. *See* Gov't Code § 552.301 (if governmental body believes information falls within exception to disclosure, that entity must seek decision from attorney general's office within ten days of receipt of request). It does not appear that the sheriff's office has argued that the information at issue is excepted from disclosure under chapter 552 or asked this office for a decision. As you have the discretion to release non-confidential information held by the department, the tape should be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101104