



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1996

Mr. Terrence S. Welch
Vial, Hamilton, Koch & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR96-1670

Dear Mr. Welch:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35515.

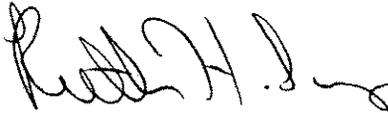
The City of Flower Mound (the "city") which you represent, received a request for "a list of all pager and/or cellular phone numbers for any and all city officials, including fire and police, which are paid for by city funds." You apparently have already provided the cellular telephone and pager numbers for city employees and officials other than those in the city's fire and police department. You assert that this information may be withheld from disclosure pursuant to section 552.108.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n 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." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

In Open Records Decision No. 506 (1988) at 2, this office determined that section 552.108 protects from disclosure the cellular telephone numbers of officials and employees "with specific law enforcement responsibilities." In accordance with that decision, you may withhold from disclosure the cellular telephone and pager numbers of those officials and employees who have specific law enforcement responsibilities. The other information must 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", with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID#35515

Enclosures: Submitted documents

cc: Ms. Jennifer Gooch
Harte-Hanks Community Newspapers
P.O. Box 308
Lewisville, Texas 75067
(w/o enclosures)