



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 17, 1996

Ms. Stephanie F. Lippard  
Fielding, Barrett & Taylor, L.L.P.  
3400 Bank One Tower  
500 Throckmorton Street  
Fort Worth, Texas 76102

OR96-1685

Dear Ms. Lippard:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100812.

The City of Burleson has received a request for "any information in regards to case # 96-22994, including who made report (audio tape if possible) and any other information." You have submitted for our review as responsive to the request an audio tape and call-for-service record. You contend that information that would reveal the identity of the person who made the report is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.<sup>1</sup>

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). We have reviewed the audio tape and accompanying call-for-service record and conclude that section 552.108 of the Government Code excepts the identity of the caller from required public disclosure.

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<sup>1</sup>Because you object only to disclosing information that reveals the identity of the person who placed the call to 911, we assume that you have provided the requestor with any remaining information. At any rate, the remaining information on the call-for-service record appears to be the kind of information normally found on the front page of an offense report, which is generally considered public. *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).

Thus, you may withhold the audio tape and any information on the call-for-service record that identifies the caller.

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 cursive script that reads "Loretta R. DeHay".

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 100812

Enclosures: Submitted documents

cc: Mr. John VanHorn  
329 N.W. Summercrest  
Burleson, Texas 76028  
(w/o enclosures)