



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 21, 1997

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
Law Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR97-0588

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government. Your request was assigned ID# 104443.

The City of Houston (the "city") received an open records request for information relating to the disclosure of "the telephone number of every business that has received a fine for a false alarm in violation of Chapter 11 within the past year." You seek to withhold the telephone numbers pursuant to section 552.101 of the Government Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that section 28(e) of the Private Investigators and Private Security Agencies Act (the "Act"), V.T.C.S. article 4413(29bb), makes the telephone numbers of the businesses receiving a fine for a false alarm confidential as you interpret these telephone numbers as information which *concerns the location* of the alarms. Section 28(e) of the Act provides:

Information that is contained in alarm systems records held by a governmental body and that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the board or as otherwise required by state law or court order.

Additionally, as a further basis of authority to withhold the information you cite to a city ordinance which you believe explains the application of the word "location."

(A) Any alarm system business which installs an alarm system within the city shall provide the police department the following information on a form designated by the city:

- (1) The street address where such system is installed;
- (2) The name, address, and telephone number of the person contracting for its services;
- (3) The type of alarm system; and
- (4) The permit number for the alarm site and name of permit holder.

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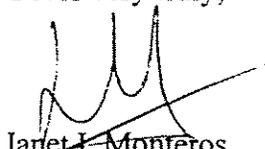
The police department shall protect such information as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this article.

*City of Houston, Tex., Ordinances §11-46 (1991)*

As the requestor seeks the telephone number of every business that has received a fine for a false alarm, that information comes within the purview of V.T.C.S. article 4413(29bb) as well as the City of Houston, Texas Ordinances § 11-46 (2)(1991). Consequently, you must withhold the requested information under section 552.101 of the Government Code.<sup>1</sup>

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,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>Since we address your exception under 552.101, we need not address the issues presented concerning the submitted output from the Alarm Tracking Billing System, but we do note that the Open Records Act does not require a governmental body to create new information in order to comply with a request for information. Open Records Decision No. 534 (1989). In addition, if a governmental body does not believe it is feasible to respond to a request because of technological constraints it is required to provide a written statement to the requestor advising him of that fact and a description of the form in which the information is available or a description of any contract or services that would be required to provide the information in the requested form, including the expense in redacting any information which is confidential. See Gov't Code § 552.231.

JIM/rho

Ref.: ID# 104443

Enclosures: Submitted documents

cc: Mr. Peter E. Pratt, Jr.  
Attorney at Law  
3000 Wesleyan, Suite 370  
Houston, Texas 77027  
(w/o enclosures)

