



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1997

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

OR97-1950

Dear Ms. Calabrese:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108449.

The City of Houston (the "city") received a request for the following information:

- (1) Any paperwork detailing payments made by the Houston Police Department or the City of Houston to a company doing business as Teletrac, Pactel Teletrac or Airtouch Teletrac from January 1991 to present.
- (2) Any paperwork submitted by the Houston Police Department or the City of Houston requesting payments be made to those same three companies.
- (3) Any paperwork, including internal memoranda, that would detail the Houston Police Department's policy for using Teletrac covert vehicle tracking equipment.

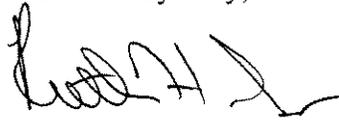
The city has informed the requestor that it has no information responsive to the request for paperwork detailing the police department's policy for using Teletrac covert vehicle tracking equipment. *See* Open Records Decision Nos. 452 (1986) at 3 (open records request applies to information in existence when request is received), 362 (1983) at 2 (city does not have to supply information which does not exist). You state that the city has information concerning payment to Teletrac, but that this information is excepted from disclosure pursuant to section 552.108 of the Government Code.

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). You assert that release to the public of the requested information would reveal information about specialized equipment that is used to investigate and detect criminal activity. A letter to the city, supporting the request, indicates that it is public information that the city has used a Teletrac device. We note, however, that there is no indication that the information at issue, which provides details about specific types and numbers of devices used by the police department, has been made public. Based upon the information provided to this office, we agree that section 552.108 protects from disclosure the information at issue.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 108449

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