



February 16, 1999

Ms. Pavala Hall
Assistant City Attorney
Criminal Law and Police Division
City of Dallas, Municipal Building
Dallas, Texas 75201

OR99-0471

Dear Ms. Hall:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 122088.

The City of Dallas Police Department (the "department") received a request for "complete copy of I.A.D. investigation #98-185." In response to the request, you submit to this office for review a one (1) page representative sample of the records at issue.¹ You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.²

You seek to withhold the cellular telephone numbers of police officers pursuant to section 552.108(a)(1). This office has previously concluded that the "law-enforcement exception" generally protects from required public disclosure the cellular mobile phone numbers assigned to public and private vehicles used by public officials and employees with specific law enforcement responsibilities, since disclosure of these phone numbers would interfere with law enforcement. *See* Open Records Decision No. 506 (1988). The department, therefore, may withhold the police officers' cellular telephone numbers pursuant to section 552.108.

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We assume that you will release any other records to the extent they exist, since you have not raised any other exception nor submitted records other than the one page document.

department, therefore, may withhold the police officers' cellular telephone numbers pursuant to section 552.108.

Finally, we note that pursuant to section 552.301(b), a governmental body is required to submit to this office a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Since you only submitted a *one page* document as a representative sample, our office notified you by facsimile on December 8, 1998, that you had perhaps failed to submit the information required by section 552.301(b). See § 552.303 (c). Since you have not submitted any other records other than the one page, we advise you that should other substantially different records exist, which you have not submitted, your failure to comply with the act will result in the legal presumption that the information is public information.³ Open Records Decision No. 195 (1978); *but see* Gov't Code § 552.352 (distribution of confidential information is a criminal offense).

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.

Sincerely,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 122088

Enclosures: Submitted page

cc: Mr. Raymond Gonzales
3711 Holland Avenue, No. 103
Dallas, Texas 75219
(w/o enclosures)

³Generally, section 552.108 does not provide a compelling reason to overcome the presumption of openness. Open Records Decision Nos. 630 (1994), 473 (1987).