



December 7, 1999

Mr. James J. Savage
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002-1700

OR99-3528

Dear Mr. Savage:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130106.

Harris County (the "county") received a request for "[a]larm permits issued between August 1994 and August 1997," specifically the applicant's name, address, phone number, effective date of the permit, and the name of the security monitoring company. You submitted to this office for review representative samples of information concerning alarm systems.¹ You assert that the requested information is excepted from public disclosure by sections 552.101, 552.108, and 552.110 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure information that is confidential by law. Information contained in alarm systems records is governed by section 1702.284 of the Occupations Code, which provides:

Information contained in alarm systems records maintained by a governmental body 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

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 No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

is confidential and may be disclosed only to the board or as otherwise required by state law or court order.

Pursuant to section 1702.284, we have marked the information that you must withhold. Furthermore, we note that section 1702.284 provides that information “that concerns the location of an alarm system” is protected from disclosure. In the sample provided, the telephone numbers of the occupants are listed. As release of this information would appear to provide location information that is protected from disclosure under section 1702.284, we conclude the occupants’ telephone numbers also must be withheld from disclosure. Accordingly, you must withhold the information we have marked and the telephone numbers of the occupants. We will consider the applicability of your other claimed exceptions to the remaining information.

Next, you assert that section 552.108(b)(1) excepts the requested information from public disclosure. Section 552.108 of the Government Code states that internal record of a law enforcement agency or prosecutor maintained for internal use in matters relating to law enforcement is excepted from required public disclosure “if release of the internal record or notation would interfere with law enforcement.” Gov’t Code § 552.108(b)(1). Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why section 552.108 is applicable. *See* Gov’t Code §§ 552.108, .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have not explained how release of the remaining information in the alarm systems records would interfere with law enforcement. Thus, you may not withhold the remaining information under section 552.108.

You further assert that section 552.110 excepts the remaining information from required public disclosure. Section 552.110 provides:

(a) A trade secret obtained from a person and privileged or confidential by statute or judicial decision is excepted from the requirements of Section 552.021.

(b) Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021.

You have not demonstrated the applicability of section 552.110 to the remaining information in the alarm systems records. Hence, you may not withhold the remainder of the information under section 552.110.

Lastly, we note that the submitted documents contain information protected from disclosure

by sections 552.101 and 552.130 of the Government Code. The social security numbers in the documents may be confidential if they were obtained or are maintained by the county pursuant to any provision of law, enacted on or after October 1, 1990. 42 U.S.C. section 405(c)(2)(C)(vii); *see* Open Records Decision No. 622 (1994). Section 552.130 excepts information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Thus, the county must withhold the drivers' license numbers. The remaining information in the sample must be disclosed.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about

this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is fluid and cursive, with the first name "Yen" and last name "Le" clearly distinguishable.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ljp

Ref: ID# 130106

Encl. Marked documents

cc: Ms. Kristin Miller
2521 Fairway Park Drive, #420
Houston, Texas 77092
(w/o enclosures)