



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 28, 2009

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
Police Legal Advisor  
321 John Sartain  
Corpus Christi, Texas 78401

OR2009-13612

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 356602.

The Corpus Christi Police Department (the "department") received a request for any reports or calls related to case number 0907030029. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform this office the submitted information directly relates to an active criminal case, and release of the marked information would interfere with the investigation or prosecution of this case. Based on your representations and our review, we determine release of the marked information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g 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) (court delineates law

enforcement interests that are present in active cases). Accordingly, the department may withhold the marked information pursuant to section 552.108(a)(1) of the Government Code.

You also seek to withhold the location of the incident, which is considered basic information in an incident report. *See* Open Records Decision No. 127 (1976) (summarizing types of information considered basic). Although basic information may not be withheld under section 552.108, a governmental body may raise other exceptions to withhold basic information from public disclosure. *See* Gov't Code § 552.108(c) (basic information about an arrested person, and arrest, or a crime is not excepted under section 552.108). In this instance, you seek to withhold the location of the incident under section 552.1175 of the Government Code. Section 552.1175 provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure[.]

...

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

*Id.* § 552.1175(a)(1), (b). You provide documentation that the officer whose information is at issue properly chose to restrict public access to his home address. Accordingly, we agree the department must withhold the home address of the peace officer under section 552.1175.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). You state that the City of Corpus Christi is within an emergency communication district that is subject to section 772.318.

You seek to withhold the information marked "Address" and "Phone" in the submitted Event Information document under section 772.318. However, the information marked "Address" is the name of a road; it does not specify an address on that road. Because this information is not the originating address of the 9-1-1 caller, it is not confidential under section 772.318 and must be released. You claim the telephone number was furnished by the 9-1-1 service supplier. Based on your representations and our review, this telephone number is confidential under section 772.318 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code.

In summary, the department may withhold the information you marked under section 552.108(a)(1) of the Government Code. The department must withhold the peace officer's address you marked under section 552.1175 of the Government Code and the telephone number you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health & Safety Code. The remaining information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/dls

Ref: ID# 356602

Enc. Submitted documents

c: Requestor  
(w/o enclosures)