



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 2, 2010

Ms. Angela Hahn  
Public Information Manager  
City of Brenham  
P.O. Box 1059  
Brenham, Texas 77834-1059

OR2010-16603

Dear Ms. Hahn:

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# 398892.

The City of Brenham (the "city") received a request for recordings of the 9-1-1 call for a specified incident and all radio traffic for four hours after the incident. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted information includes the call for service report and 9-1-1 calls other than the one specified by the requestor. Such information is therefore not responsive to the present request for information. The city need not release nonresponsive information in response to this request, and this ruling will not address that information.

Section 552.108(a) 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). Generally, a governmental body claiming section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the responsive 9-1-1 call relates to an open and active case, and its release would interfere with prosecution of the case. Based upon this representation and our review, we find you have established the

release of this 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). Therefore, the city may withhold the responsive 9-1-1 recording under section 552.108(a)(1) of the Government Code.

You assert the requested radio traffic contains Texas motor vehicle record information subject to section 552.130 of the Government Code. Section 552.130 excepts from disclosure “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[.]” Gov’t Code § 552.130. Upon review, we find the requested radio traffic contains Texas motor vehicle record information. You state the city does not have the technical capability to redact the information subject to section 552.130 in the submitted recording. Accordingly, the city must withhold the radio traffic in its entirety pursuant to section 552.130 of the Government Code. *See Open Records Decision No. 364 (1983)*.

In summary, the city may withhold the responsive 9-1-1 recording under section 552.108(a)(1) of the Government Code. The city must withhold the requested radio traffic in its entirety to prevent the disclosure of information that is confidential under section 552.130 of the Government Code.

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,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/em

Ref: ID# 398892

Enc. Submitted documents

c: Requestor  
(w/o enclosures)