



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 30, 2011

Judge Susan Redford  
Ector County Judge's Office  
300 North Grant, Room 233  
Odessa, Texas 79761

OR2011-04343

Dear Judge Redford:

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# 413545.

The Ector County Judge's Office (the "judge") received a request for "a list of county issued and county paid cell phone numbers accompanied by the name of the employee who carries the phone." You state you have released the requested cellular telephone numbers, with the exception of the cellular telephone numbers for employees in the Ector County Sheriff's Department (the "sheriff") and the Ector County District Attorney's Office (the "district attorney"). You claim that the cellular telephone numbers and the related direct connect codes of employees of the sheriff and district attorney are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.<sup>1</sup>

Section 552.108(b)(1) of the Government Code excepts from required public disclosure an internal record of a law enforcement agency maintained for internal use in matters relating to law enforcement or prosecution if "release of the internal record or notation would interfere with law enforcement or prosecution." Gov't Code § 552.108(b)(1). A governmental body that seeks to withhold information under section 552.108(b)(1) must sufficiently explain how and why the release of the information would interfere with law enforcement and crime prevention. *See id.* § 552.301(e)(1)(A); *City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.) (section 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses

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<sup>1</sup>We 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.

in police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws); Open Records Decision Nos. 562 at 10 (1990), 531 at 2 (1989). In Open Records Decision No. 506 (1988), this office determined that the statutory predecessor to section 552.108(b) excepted from disclosure "cellular mobile phone numbers assigned to county officials and employees with specific law enforcement responsibilities." *Id.* at 2. We noted that the purpose of the cellular telephones was to ensure immediate access to individuals with specific law enforcement responsibilities and that public access to these numbers could interfere with that purpose. *Id.*

You inform us that the cellular telephone numbers at issue are assigned to employees of the sheriff and the district attorney "who are deputies, detectives, investigators, and other individuals with law enforcement responsibilities." You also state the sheriff's employees use their cellular telephone direct connect function as their primary portable and secondary radio communicators in performing their jobs in the field. In addition, correspondence from the district attorney states that release of their employees' cellular telephone numbers will interfere with the employee's law enforcement investigations and ongoing prosecutions. You assert, and the submitted correspondence from the sheriff and the district attorney also asserts, that the release of these cellular telephone numbers and direct connect codes would interfere with law enforcement and crime prevention. Based on your representations, the submitted correspondence, and our review, we conclude that the judge may withhold the county paid cellular telephone numbers and the related direct connect codes of employees of the sheriff and district attorney under section 552.108(b)(1) 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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/tf

Ref: ID# 413545

Enc. Submitted documents

c: Requestor  
(w/o enclosures)