



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 28, 2011

Mr. Albert Lopez
For City of Laredo
Law Offices of Albert Lopez
14310 Northbrook Drive, Suite 110
San Antonio, Texas 78232

OR2011-17422

Dear Mr. Lopez:

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# 437741 (Laredo PIR# W001650-091411).

The City of Laredo (the "city"), which you represent, received a request for the recorded history data pertaining to the police department access cards held by nine named employees and for the police chief's itemized telephone records for six specified months. You state the city does not maintain access card information for three of the employees.¹ You state the city will release the telephone records with redactions pursuant to sections 552.024 and 552.1175 of the Government Code.² You claim the submitted information is excepted from disclosure

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1–2 (1990), 452 at 3 (1986), 362 at 2 (1983).

²Section 552.024 of the Government Code permits a governmental body to redact certain personal information subject to section 552.117 of the Government Code without the necessity of requesting a decision from this office. *See Gov't Code* § 552.024(c). Likewise, section 552.1175 of the Government Code permits a governmental body to redact certain personal information without seeking a ruling from this office. *See Gov't Code* § 552.1175(f).

under sections 552.101, 552.136, and 552.152 of the Government Code.³ We have considered the exceptions you claim and reviewed the submitted representative sample of information.⁴

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Act of May 9, 2011, 82nd Leg., R.S., S.B. 1303, § 27.001(20) (to be codified as Gov't Code § 552.152). You explain the requested recorded history data is obtained from access cards issued to city employees and officers. These access cards are used by authorized individuals to gain entry into secure locations within the police department. You state the purpose of the access cards is to protect police department personnel. You explain a software system records the user's name and the date, time, and location of entry each time an access card is used to enter a secure location. You further explain that someone who obtains this information could use it to establish patterns of entry and the locations of individuals inside the building. You argue that because of the level of violence along the United States-Mexico border and the targeting of law enforcement officials, such compiled information would threaten the safety and security of department employees and officers. Based on your representations and our review, we agree disclosure of the requested information would subject employees or officers to a substantial threat of physical harm. Accordingly, the city must withhold the requested recorded history data under section 552.152 of the Government Code.⁵

Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Upon review, we find

³Although you claim the information is excepted under section 552.151 of the Government Code, we note the 82nd Texas Legislature renumbered section 552.151 to section 552.152 of the Government Code. Act of May 9, 2011, 82nd Leg., R.S., S.B. 1303, § 27.001(20).

⁴We assume 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 those records contain substantially different types of information than those submitted to this office.

⁵As our ruling is dispositive, we do not consider your remaining arguments against disclosure.

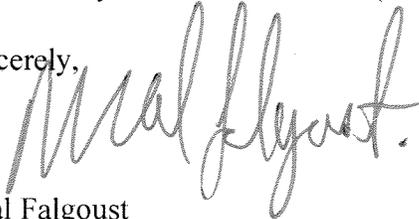
the city must withhold the account numbers you have marked under section 552.136 of the Government Code.

In summary, the city must withhold the recorded history data under section 552.152 of the Government Code and the account numbers you have marked under section 552.136 of the Government 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/agn

Ref: ID# 437741

Enc. Submitted documents

c: Requestor
(w/o enclosures)