



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 5, 2012

Ms. Teresa J. Brown
Senior Open Records Assistant
City of Plano Police Department
P.O. Box 860358
Plano, Texas 75086-0358

OR2012-03278

Dear Ms. Brown:

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# 446950 (PPD# WERK120811).

The Plano Police Department (the "department") received a request for three categories of information related to building alarm systems and permits. You state you have released information responsive to category two of the request. You state you do not maintain information responsive to category three of the request.¹ You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.101 of the Government Code 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 made confidential by other statutes, such as section 1702.284 of the Occupations Code, which provides, in relevant part:

¹In responding to a request for information under the Act, a governmental body is not required to disclose information that did not exist at the time the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

²We 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.

(a) 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 is confidential and may be disclosed only to the [Texas Private Security Board], to the alarm company to which the confidential records relate, or as otherwise required by state law or court order.

Occ. Code § 1702.284(a); *see also id.* § 1702.002(1)(A)(ii) (defining “alarm system” as electronic equipment and devices designed to detect or signal the occurrence of a robbery or other emergency). Upon review, we find the information you have marked, in addition to the information we have marked, is generally confidential under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. We note section 1702.284 provides that information “that concerns the location of an alarm system [or] the name of the occupant of an alarm system location” is protected from disclosure. Accordingly, to the extent the marked telephone numbers correspond to an alarm system location or the occupant of an alarm system location, we conclude that you must generally withhold this information under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. To the extent the marked telephone numbers do not so correspond, the department may not withhold this information under section 552.101 on that basis. In either instance, the department must generally withhold the remaining information you have marked, in addition to the remaining information we have marked, under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. However, we note section 1702.284(a) provides that information made confidential by this section may be disclosed “to the alarm company to which the confidential records relate[.]” *Id.* § 1701.284(a). In this instance, the requestor is a representative of an alarm system company. Therefore, to the extent any of the marked information relates to the requestor’s company, that information may not be withheld under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code, and, instead, must be released to the requestor. Otherwise, the department must withhold the marked information under section 552.101 in conjunction with section 1702.284. As no exceptions to disclosure are raised for the remaining information at issue, the department must release it.

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator’s or driver’s license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public release.³ Gov’t Code § 552.130(a)(1), (2). Accordingly, the department must withhold the motor vehicle record information we have marked under section 552.130.

³The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

In summary, to the extent the marked telephone numbers correspond to an alarm system location or the occupant of an alarm system location, the department must withhold this information under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. To the extent the marked telephone numbers do not so correspond, the department may not withhold this information under section 552.101 of the Government Code on that basis. In either instance, the department must withhold the remaining information you have marked, in addition to the remaining information we have marked, under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code. However, to the extent any of the marked information relates to the requestor's company, that information may not be withheld under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code, and, instead, must be released to the requestor. The department must withhold the motor vehicle record information we have marked under section 552.130 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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 446950

Enc. Submitted documents

c: Requestor
(w/o enclosures)