



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 4, 2014

Mr. Jeffrey L. Moore  
Counsel for the City of The Colony  
Brown & Hofmeister, L.L.P.,  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081

OR2014-09553

Dear Mr. Moore:

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# 524790.

The City of The Colony Police Department (the "department"), which you represent, received a request for 9-1-1 records pertaining to a specified accident. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You state a portion of the submitted audio recording is not responsive. Upon review, we agree a portion of the submitted audio recording is not responsive to the request for information because it does not pertain to the accident specified in the request. This ruling does not address the public availability of information that is not responsive to the request, and the department is not required to release non-responsive information.<sup>1</sup> You state the department does not have the technological capability to redact non-responsive information from the submitted audio recording. Thus, you seek to withhold the submitted audio recording in its entirety. However, because the department has the ability to copy the audio recording in order to submit it for our review, we believe the department has the capacity to produce a copy of only the responsive portions of the audio recording. Thus, the department may only withhold the non-responsive portion of the submitted audio recording. As no

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<sup>1</sup>As our ruling is dispositive, we need not address your argument against disclosure of this information.

further exceptions to disclosure are raised for the remaining portion of the audio recording, it 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Casterline", with a long horizontal line extending to the right.

Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/bhf

Ref: ID# 524790

Enc. Submitted documents

c: Requestor  
(w/o enclosures)