



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 28, 2014

Ms. Heather Silver
Assistant City Attorney
Office of the City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2014-15204

Dear Ms. Silver:

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# 534747.

The City of Dallas (the "city") received a request for (1) the Dallas Fire-Rescue NFIRS/Incident Report; (2) the incident detail report; (3) audio recordings of any 9-1-1 calls; and (4) all photographs taken by city personnel related to a specified structure fire. You state the city will release some of the requested information to the requestor with redactions in accordance with Open Records Letter No. 2011-18466 (2011).¹ You claim portions of submitted information are excepted from disclosure under sections 552.101 and 552.136 of

¹Open Records Letter No. 2011-18466 is a previous determination issued to the city's police department authorizing it to withhold, without requesting a decision from this office, the addresses of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

the Government Code. We have considered the exceptions 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 protected by other statutes, such as section 1702.284 of the Occupations Code. Section 1702.284(a) provides:

(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). You assert the submitted 9-1-1 audio recording, which you have marked Exhibit C, is excepted from disclosure under section 1702.284. However, we note section 1702.284 is not applicable to investigative information. *See Act of June 19, 1983, 68th Leg., R.S., ch. 496, § 1, 1983 Tex. Gen. Laws 2915.* Accordingly, the city may not withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 1702.284 of the Occupations Code.

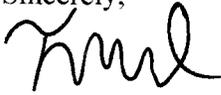
Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). An access device number is one that may be used to 1) obtain money, goods, services, or another thing of value, or 2) initiate a transfer of funds other than a transfer originated solely by a paper instrument, and includes an account number. *Id.* § 552.136(a) (defining “access device”). The city informs us an employee’s identification number is used in conjunction with one additional digit in order to access the employee’s credit union account. Upon review, we find the city must withhold the employee identification numbers you have marked in Exhibit B under section 552.136 of the Government Code. As you raise no further exceptions to disclosure, the city must release the remaining information.

²We 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 that those records contain substantially different types of information than that submitted to this office.

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, 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 534747

Enc. Submitted documents

c: Requestor
(w/o enclosures)