



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Mr. Richard Brown
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Suite 206
Dallas, Texas 75201

OR98-3239

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120661.

The City of Dallas (the "city") received a request for "a hard copy of a 911 phone call" made from a particular location on a particular date. You contend that the originating telephone number and address on the 911 call report are excepted from disclosure under section 552.101 of the Government Code because this information is confidential by law. When requesting a decision from this office, section 552.301(b) of the Government Code requires a governmental body to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit copies or representative samples of the specific information at issue.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on November 25, 1998, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) of the Government Code, failure to comply would result in the legal presumption that the information at issue is public information.

Because you did not provide us with copies of the information at issue, the information is presumed public pursuant to section 552.303(e). Where information is made confidential by other law or where third party interests are implicated, a compelling reason exists to overcome the presumption that information is public under section 552.303(e). *See*

Open Records Decision No. 150 (1977). We previously determined, in Open Records Letter No. 98-2551 (1998), that section 552.101 requires the city to withhold from disclosure originating telephone numbers and addresses on 911 call reports that are deemed confidential by chapter 772 of the Health and Safety Code. In the absence of a demonstration that the remaining information at issue is confidential by law or that other compelling reasons exist for withholding the information, the city must release the remaining information. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ); Open Records Decision No. 195 (1978).

If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 120661

cc: Mr. Kurt Gutzman Facsimile: (214) 630-8044
Graphic Service