



December 9, 1999

Mr. Steve G. McDonald  
Assistant County Attorney  
Grayson County District Attorney  
200 South Crockett, Suite 116A  
Sherman, Texas 75090

OR99-3569

Dear Mr. McDonald:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 130108.

Grayson County received a request for information relating to the 911 conversion address for a named individual which is contained in an address database maintained by Grayson County. You assert that the requested information is confidential under section 552.001 [sic] in conjunction with section 771.061 of the Health and Safety Code.<sup>1</sup> We have considered the exception you claim.<sup>2</sup>

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes such as section 771.061(a) of the Health and Safety Code. Section 771.061(a) states in pertinent part that:

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<sup>1</sup> Based on your arguments, we assume that you intended to cite section 552.101.

<sup>2</sup> Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request . . . 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 comply with section 552.301(e) because you did not submit a copy of the specific information or a representative sample. Under section 552.302, a governmental body’s failure to submit to this office the information required in section 552.301(e) results in the legal presumption that the information is public. Unless a governmental body demonstrates a compelling reason to withhold the information to overcome this presumption, the information must be released. However, since you have shown the applicability of section 552.101, we will address your arguments.

. . . Information that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service is confidential and is not available for public inspection. . . .

You state that as part of the 911 emergency response system, Grayson County decided to convert from Route and Box number addressing to physical location addressing using the global positioning technology. You claim that this conversion resulted in the assignment of new mailing addresses for virtually everyone in [the] unincorporated area of the county and the database does contain the individual's address requested. Based on your representation that the requested information is maintained in the Grayson County database you may withhold the requested 911 conversion address under section 552.101 in conjunction with section 771.061 of the Health and Safety Code. *See* Open Records Decision No. 661 (1999).

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

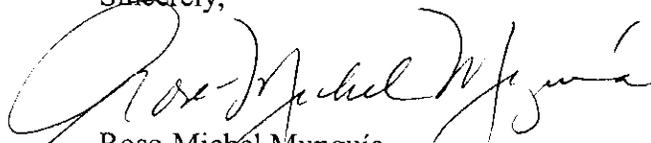
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguía". The signature is fluid and cursive, written over the typed name.

Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM/jc

Ref: ID# 130108

Encl. Submitted documents

cc: Ms. Joan Monk  
C & J Adjusters, Inc.  
808 Fletcher  
Dallas, Texas 75223  
(w/o enclosures)