



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 6, 2004

Sheriff Dennis Wilson
Limestone County Sheriff's Office
1221 East Yeagua
Groesbeck, Texas 76642

OR2004-0914

Dear Sheriff Wilson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 195895.

The Limestone County Sheriff's Office (the "sheriff") received a request for caller ID information from 911 calls regarding a particular accident. You believe that the requested information may be exempted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the information you submitted.¹

Section 552.101 of the Government Code exempts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information that is made confidential under another statute. You believe that the requested information may be confidential under section 771.061 of the Health and Safety Code. Section 771.061 makes confidential "[i]nformation that a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service" and "[i]nformation that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service." Health & Safety Code § 771.061(a). You inform

¹This letter ruling assumes that the submitted sample of responsive information is truly representative of the responsive information as a whole. This ruling neither reaches nor authorizes the sheriff to withhold any information that is substantially different from the submitted information. See Gov't Code § 552.301(e)(1)(D); Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

us that the sheriff's office operates the county's 911 system. You also state that "[t]he telephone service provider(s) furnish computerized information so that the identity and telephone number assigned to a calling origin is provided to the 911 dispatcher automatically." It thus appears that the sheriff's office operates a computerized 911 service. Therefore, provided that your office does in fact operate a computerized 911 service, and to the extent that the requested information was required to be furnished to your office by a telecommunications service provider or is contained in an address database used in providing computerized 911 service, the requested information is confidential under section 771.061 of the Health and Safety Code and must be withheld from the requestor under section 552.101 of the Government Code. *See also* Open Records Decision No. 661 at 1-2 (1999). If the sheriff's office does not operate a computerized 911 service, or if the information at issue was not required to be furnished to your office by a telecommunications service provider and is not contained in an address database used in providing computerized 911 service, then the requested information is not excepted from disclosure under section 552.101 of the Government Code in conjunction with section 771.061 of the Health and Safety Code.

We note that 911 caller information may also be confidential under section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Sections 772.118, 772.218 and 772.318 of the Health and Safety Code apply only to emergency 911 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These statutes make the originating telephone numbers and addresses of 911 callers that are furnished by a service supplier confidential. *Id.* at 2. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. Thus, if the county is part of an emergency communication district established under section 772.318 of the Health and Safety Code, then you must withhold originating telephone numbers and addresses of 911 callers that were furnished by a service supplier under section 552.101 of the Government Code.

In summary: (1) if the sheriff's office operates a computerized 911 service, and to the extent that the requested caller ID information was required to be furnished to the sheriff's office by a telecommunications service provider or is contained in an address database used in providing computerized 911 service, you must withhold the requested information under section 552.101 of the Government Code in conjunction with section 771.061 of the Health and Safety Code; and (2) if the county is part of an emergency communication district established under section 772.318 of the Health and Safety Code, then you must withhold originating telephone numbers and addresses of 911 callers that were furnished by a service supplier under section 552.101 of the Government Code in conjunction with section 772.318. If the requested information is not confidential under section 771.061 or section 772.318, then it is not excepted from disclosure under section 552.101 of the Government Code and must be released to the requestor.

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).

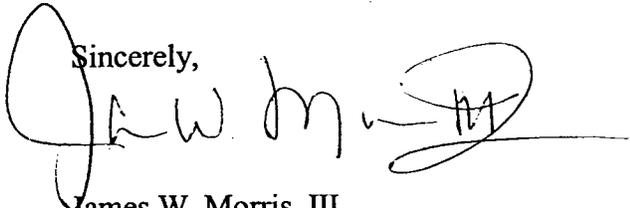
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. 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 "J.W. Morris, III". The signature is fluid and cursive, with a large initial "J" and a stylized "M" at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 195895

Enc: Submitted documents

c: Ms. Gina Verlander
Whitehurst, Harkness, Ozmun & Brees
P.O. Box 1802
Austin, Texas 78767
(w/o enclosures)