



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 23, 2008

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2008-17470

Dear Mr. Bounds:

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# 300786.

The City of Corpus Christi (the "city") received a request for all police records related to eight specified incidents, and all records and 9-1-1 calls related to police activity at a specified location during a specified time period. You state the city has provided some of the requested information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential, such as section 773.091 of the Health and Safety Code, which provides in relevant part:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(b), (g). You assert the submitted ambulance patient reports and other fire department patient reports were created by emergency medical services ("EMS") personnel. Based on your representations and our review, we conclude the submitted reports you have marked are confidential under section 773.091. Thus, except for the information specified in section 773.091(g), which must be released, the city must withhold the submitted EMS records you have marked pursuant to section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code.

Section 552.101 also encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communications districts. Section 772.318 of the Health and Safety Code is applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). This section makes the originating telephone numbers and addresses of 9-1-1 callers 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. You state the city is part of an emergency communication district established under section 772.318, and the submitted 9-1-1 call reports you have indicated contain information excepted under section 772.318. Based on your representations and our review, we conclude the city must withhold the originating telephone numbers and addresses provided by a 9-1-1 service supplier in the 9-1-1 call reports under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, some of the telephone numbers and addresses in the call reports were clearly not provided by a 9-1-1 service supplier. We have marked a representative sample of this information, which may not be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You claim the submitted CRB-3 officer's accident reports are confidential under chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 552.101 also encompasses section 550.065(b) of the Transportation Code, which states except as provided by subsection (c), accident reports are privileged and confidential. *See id.* § 550.065(b). Section 550.065(c)(4) provides for the release of an accident report to a person who provides two of the following three items of information: (1) the date of the accident; (2) the name of any person involved in the accident; and (3) the specific location of the accident. *Id.* § 550.065(c)(4). Under this provision, the Texas Department of Transportation or another governmental entity is required to release a copy of an accident report to a person who provides the agency with two or more of the items of information specified by the statute. *Id.* In this instance, the requestor has not provided the city with at

least two of the three items of information specified by section 550.065(c)(4). Therefore, the city must withhold the submitted officer's accident reports you have marked pursuant to section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

You claim the remaining information includes information protected by section 552.130 of the Government Code, which provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). Therefore, the city must withhold the Texas motor vehicle record information you have marked, and the additional information we have marked, under section 552.130 of the Government Code.

In summary, except for the information specified in section 773.091(g) of the Health and Safety Code, the city must withhold the submitted EMS records you have marked pursuant to section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code; the originating telephone numbers and addresses provided by a 9-1-1 service supplier in the 9-1-1 call reports under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code; the submitted officer's accident reports you have marked pursuant to section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code; and the marked Texas motor vehicle record information under section 552.130 of the Government Code. The remaining information must be released.

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 file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over 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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the