



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 13, 2009

Ms. Michelle L. Villarreal  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2009-03364

Dear Ms. Villarreal:

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# 337191 (City of Waco Reference #: LGL-08-1207).

The City of Waco (the "city") received a request for any and all field notes, photographs, video, statements, or specific documentation regarding a specific automobile accident. You indicate that you are releasing a portion of the information to the requestor. You claim that 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 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 made confidential by other statutes. You claim that a portion of the submitted information is excepted under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). We understand the city to be part of an emergency communication district that was established under

section 772.318.<sup>1</sup> You indicate that the information you have marked was provided by a service provider. We note, however, that you have also marked a 9-1-1 caller's name and an intersection, in addition to addresses and telephone numbers on the CAD records. We note that only the originating addresses and telephone numbers of 9-1-1 callers on the CAD records are confidential under chapter 772 of the Health and Safety Code. We further note that the general location of a call described by the 9-1-1 dispatcher is not protected under section 772.318. Accordingly, the city may not withhold the caller's name or the intersection, which we have marked for release, under section 552.101 on this basis. Only the specific address provided by a 9-1-1 service provider is confidential under chapter 772. Consequently, with the exception of the information marked for release, the city must withhold the originating addresses and telephone numbers of the 9-1-1 callers under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

Section 552.130 of the Government Code excepts from public disclosure information that relates to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. Gov't Code § 552.130(a)(1)-(2). Accordingly, the city must withhold the Texas license plate numbers you have highlighted in the submitted CAD report. You must also withhold the license plate numbers at the 45-second and 56-second marks of Track One on the submitted audio recording under section 552.130 of the Government Code.

In summary, with the exception of the information marked for release, the city must withhold the originating addresses and telephone numbers of the 9-1-1 callers under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city must withhold the Texas license plate numbers within the submitted CAD report and at the 45-second and 56-second marks of Track One on the submitted audio recording pursuant to section 552.130 of the Government Code. The remaining information must be released.

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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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

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<sup>1</sup>Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink that reads "C. Alvarado". The signature is written in a cursive style with a large initial "C" and a clear "Alvarado" following.

Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/cc

Ref: ID# 337191

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)