



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 27, 2009

Mr. Christopher Taylor
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-07180

Dear Mr. Taylor:

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# 344231 (City of Waco Reference #: LGL-09-228).

The City of Waco (the "city") received a request for information pertaining to a specified incident. You indicate you will release some of the requested information. You claim that portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that report number 09-1360 relates to a pending criminal investigation. Based on your representation, we conclude that section 552.108(a)(1) is applicable to the information you have marked. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d. Thus, the city may withhold the information you have marked in report number 09-1360 under section 552.108(a)(1).

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. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication 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 772.318.¹ You claim that the originating telephone numbers and address you have marked in the submitted 9-1-1 call sheet are confidential under section 772.318 of the Health and Safety Code. To the extent the telephone numbers and address you have marked were furnished by a 9-1-1 service supplier, we agree that the city must withhold this information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You claim that some of the remaining information in report number 09-1360 is subject to section 552.130 of the Government Code, which excepts from disclosure information that relates to a driver's license or motor vehicle title or registration issued by an agency of this state. Gov't Code § 552.130. Accordingly, the city must withhold the Texas motor vehicle record information we have marked in report number 09-1360 under section 552.130 of the Government Code. The remaining information at issue does not consist of Texas motor vehicle record information; therefore, the city may not withhold this information under section 552.130.

In summary, the city may withhold the information you have marked in report number 09-1360 under section 552.108(a)(1) of the Government Code. To the extent the telephone numbers and address you have marked were furnished by a 9-1-1 service supplier, we agree that the city must withhold this information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city must withhold

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

the information we have marked in report number 09-1360 under section 552.130 of the Government Code. The remaining information must be released.²

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

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 344231

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

²We note the remaining information contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147.