



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 3, 2009

Mr. Ron G. MacFarlane, Jr.
Dealey, Zimmermann, Clark, Malouf & MacFarlane, P.C.
Attorney for City of Cedar Hill
3131 Turtle Creek Boulevard, Suite 1201
Dallas, Texas 75219-5415

OR2009-07589

Dear Mr. MacFarlane:

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# 345206 (File No. 10102.86100.2009.53).

The City of Cedar Hill (the "city"), which you represent, received a request for all police and fire department records related to two named individuals and a specified address for a specific time period. You state the city has released some of the requested information to the requestor. You claim that some of the submitted information is 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 that another statute makes confidential. Chapter 772 of the Health and Safety Code makes the originating telephone numbers and addresses of certain 9-1-1 calls confidential. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code apply only to an emergency 9-1-1 district established in accordance with chapter 772. See Open Records Decision No. 649 (1996). These statutes make confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier. *Id.* at 2. Section 772.118 applies to an emergency communication district for a county with a population of more than two million. Section 772.218 applies to an emergency communication district for a county with a

population of more than 860,000. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

You seek to withhold information related to 9-1-1 callers. You do not inform us, however, whether the city is part of an emergency communication district established under chapter 772 of the Health and Safety Code. Therefore, we must rule conditionally. Thus, if the city is part of an emergency communication district established under chapter 772 of the Health and Safety Code, then the city must withhold the originating telephone numbers and addresses of the 9-1-1 callers that were supplied by a 9-1-1 service supplier, which you have marked, under section 552.101 in conjunction with chapter 772 of the Health and Safety Code. If the city is not part of an emergency communication district established under chapter 772, then the city may not withhold any information relating to 9-1-1 callers under section 552.101 and must release that information.

We note some of the remaining information is excepted from disclosure under common-law privacy, which is also encompassed by section 552.101 of the Government Code. Common-law privacy protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. This office has found that personal financial information not relating to a financial transaction between an individual and a governmental body is generally intimate and embarrassing. *See* Open Records Decision No. 545 (1990). Accordingly, the city must withhold the lien information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy.

You contend that some of the remaining information is subject to section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Gov't Code § 552.130(a)(1)-(2). We note that some of the information you have marked under section 552.130 does not constitute Texas motor vehicle record information for the purpose of section 552.130 and may not be withheld on that basis. Accordingly, the city must withhold the Texas motor vehicle record information we have marked under section 552.130.

In summary, if the city is part of an emergency communication district established under chapter 772 of the Health and Safety Code, then the city must withhold the information you have marked under section 552.101 in conjunction with chapter 772 of the Health and Safety Code. If the city is not part of an emergency communication district established under chapter 772, then the city may not withhold any information relating to 9-1-1 callers under section 552.101. The city must withhold the lien information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The city

must withhold the Texas motor vehicle record information we have marked under 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, 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# 345206

Enc. Submitted documents

cc: Requestor
(w/o enclosures)