



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 15, 2010

Mr. David M. Swope  
Assistant County Attorney  
Harris County  
1019 Congress, 15th Floor  
Houston, Texas 77002

OR2010-03668

Dear Mr. Swope:

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# 373025 (C.A. File No. 09GEN2485).

Harris County (the "county") received a request for the transcript and audio from a 9-1-1 call related to incident number CE091216310. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 772.318 of the Health and Safety Code. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000 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). You state Harris County is within an emergency communication district that is subject to section 772.318.

We understand you to raise section 772.318 for the telephone number of the 9-1-1 caller in the submitted computer-aided dispatch ("CAD") report and audio recording. We note section 772.318 only applies to information furnished by a 9-1-1 service supplier. To the extent the telephone number we marked in the CAD report is the originating telephone number supplied by a 9-1-1 service supplier, it must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. If the telephone number we marked in the CAD report was not provided by a 9-1-1 service

supplier, it may not be withheld under section 552.101 in conjunction with section 772.318. Furthermore the telephone number in the audio recording was furnished to the 9-1-1 dispatcher by the 9-1-1 caller. Accordingly, section 772.318 is not applicable to the telephone number in the audio recording and this information may not be withheld under section 552.101 on that basis. *See* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure), 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). As you raise no further exceptions to disclosure of the telephone number in the audio recording, it must be released. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976) (information that is subject to disclosure under Act may not be withheld simply because party submitting it anticipates or requests confidentiality); *see also* Open Records Decision Nos. 541 (1990) (governmental body's promise to keep information confidential is not basis for withholding information from public unless governmental body has specific authority to keep information confidential).

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 information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/dls

Ref: ID# 373025

Enc. Submitted documents

c: Requestor  
(w/o enclosures)