



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 23, 2010

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

OR2010-05817

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# 376829 (ORR# LGL-10-122).

The Waco Police Department (the "department") received a request for information related to nine specified offense reports. You claim portions of the submitted information are 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 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. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make confidential the originating telephone numbers of 9-1-1 callers only when they are furnished by a service supplier. *Id.* at 2. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000. You indicate the City of Waco is part of an emergency communication district established under section 772.318. You have highlighted telephone numbers in the submitted Computer Aided Dispatch ("CAD") records you seek to withhold under section 772.318. However, we note

in some instances you have marked multiple telephone numbers within a CAD record. It is unclear which of these telephone numbers are the originating telephone numbers provided by a 9-1-1 service supplier. Thus, to the extent the telephone numbers you have marked are the originating telephone numbers supplied by a 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, to the extent any of the marked information is not the originating telephone number of a 9-1-1 caller that was supplied by a 9-1-1 service supplier, section 772.318 is not applicable to this information and it may not be withheld under section 552.101 on that basis. Because you raise no other exceptions to disclosure of the remaining information in the submitted CAD records, it must be released to the requestor.

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, toll free at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jb

Ref: ID# 376829

Enc. Submitted documents

c: Requestor
(w/o enclosures)