



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 22, 2010

Ms. Sylvia McClellan  
Assistant City Attorney  
Criminal Law & Police Section  
City of Dallas  
1400 S. Lamar  
Dallas, Texas 75215

OR2010-05836

Dear Ms. McClellan:

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# 376832 (DPD Request Number 2010-1067).

The Dallas Police Department (the "department") received a request for any reports and 9-1-1 call information pertaining to a specified address for January 10, 2010. You claim the marked portions of the submitted reports and 9-1-1 call recordings are excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses the doctrine of common-law privacy, which 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 established. *Id.*

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<sup>1</sup>Although you raise section 405(c)(2)(C)(viii) of title 42 of the United States Code to withhold social security numbers, we note the proper exception to raise for this information is section 552.147 of the Government Code.

at 681-82. This office found some kinds of medical information or information indicating disabilities or specific illnesses are generally excepted from required public disclosure under common-law privacy. *See* Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps). You have marked the portions of the submitted information you claim are protected by common-law privacy. Upon review, we agree the information you marked in the reports and indicated in the 9-1-1 call recording is personal medical information that is both highly intimate or embarrassing and of no legitimate public interest. Accordingly, we conclude the department must withhold the information you marked under section 552.101 in conjunction with common-law privacy.

Section 552.101 also encompasses information protected by other statutes. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. 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 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 of Dallas is within an emergency communication district that is subject to section 772.318. You claim the telephone number you marked is confidential under section 772.318 of the Health and Safety Code. Upon review, we agree the originating telephone number you marked must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You assert the Texas driver's license information you marked is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides information relating to a driver's license issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1). Upon review, we agree the department must withhold the Texas driver's license information you marked under section 552.130.<sup>2</sup>

Finally, you claim the social security number you marked is excepted from disclosure under section 552.147 of the Government Code. This section provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147. Therefore, the department may withhold the social security number you marked under section 552.147.<sup>3</sup>

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<sup>2</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

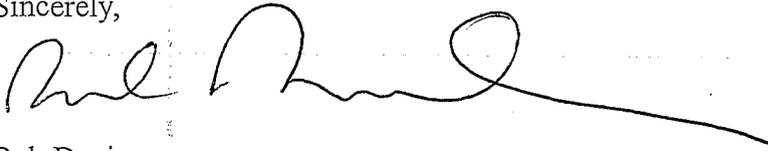
<sup>3</sup>We note section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

In summary, the department must withhold the personal medical information you marked in the report and indicated in the 9-1-1 call recording under section 552.101 of the Government Code in conjunction with common-law privacy, the originating telephone number you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, and the Texas driver's license information you marked under section 552.130 of the Government Code. The department may withhold the social security number you marked under section 552.147 of the Government Code. As you raise no other exceptions to disclosure, 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 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,

A handwritten signature in black ink, appearing to read 'Bob Davis', with a long horizontal flourish extending to the right.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 376832

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)