



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 3, 2010

Mr. B. Chase Griffith
Brown & Hofmeister, LLP
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2010-06304

Dear Mr. Griffith:

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# 377784.

The Town of Flower Mound (the "town"), which you represent, received a request for all police calls, reports, statements, and a civil standby pertaining to a specified address in the year 2009. You claim that 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.

Initially, we note that you have only submitted call for service reports. To the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 exception encompasses information that other statutes make confidential. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication 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 the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier confidential. *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 telephone numbers and addresses of 9-1-1 callers under sections 772.118, 772.218, and 772.318. You do not inform us, however, whether the town is part of an emergency communication district established under one of these sections. Likewise, you do not inform us whether the information at issue was furnished by a service supplier. Nevertheless, if the town is part of an emergency communication district established under sections 772.118, 772.218, or 772.318, and if the telephone numbers and addresses that appear in the submitted information were furnished by a service supplier, then the town must withhold the telephone numbers and addresses under section 552.101 of the Government Code. If the town is not part of an emergency communication district established under sections 772.118, 772.218, or 772.318, or if the telephone numbers and addresses were not furnished by a service supplier, then they may not be withheld under section 552.101 and must be released.

Section 552.130 of the Government Code 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). Thus, the town must withhold the Texas motor vehicle information we have marked under section 552.130 of the Government Code.¹

In summary, if the town is part of an emergency communication district established under sections 772.118, 772.218, or 772.318, and if the telephone numbers and addresses that appear in the submitted information were furnished by a service supplier, then the town must withhold the telephone numbers and addresses under section 552.101 of the Government Code. If the town is not part of an emergency communication district established under sections 772.118, 772.218, or 772.318, or if the telephone numbers and addresses were not furnished by a service supplier, then they may not be withheld under section 552.101 and must be released. The town must withhold the Texas motor vehicle information we have

¹We note this office recently issued Open Records Decision No. 684 (2009), a previous determination authorizing all governmental bodies to withhold ten categories of information, including Texas driver’s license and license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

marked 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, toll free, at (888) 672-6787.

Sincerely,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/jb

Ref: ID# 377784

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

²We note that because this requestor has a special right of access to some of the motor vehicle information being released that would ordinarily be confidential to the general public, the town must again seek a decision from this office if it receives another request for the same information from a different requestor.