



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 7, 2010

Mr. B. Chase Griffith
Attorney for City of McKinney
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2010-08276

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# 387254 (ORR# 10-2516).

The McKinney Police Department (the "department"), which you represent, received a request for the caller name, address, and phone number for a specified call for service number. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that most of the submitted information is not responsive to the instant request for information because it does not consist of the requested name, address, or phone number. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release that information in response to the request.

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. You claim a portion of the responsive information is excepted from disclosure under section 552.101 of the Government Code. Section 552.101 encompasses sections 772.118, 772.218 and 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication

districts. Sections 772.118, 772.218, and 772.318 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 indicate that the information at issue contains the originating telephone number and address of a 9-1-1 caller that was furnished by a service supplier. We understand the City of McKinney (the "city") is part of an emergency communication district established under section 772.118, section 772.218, or section 772.318 of the Health and Safety Code. Accordingly, the department must withhold the originating telephone number and address of the 9-1-1 caller contained in the responsive information under section 552.101 of the Government Code in conjunction with section 772.118, section 772.218, or section 772.318 of the Health and Safety Code.¹

Next, you claim that the remaining responsive information, which consists of the name of the 9-1-1 caller, is excepted under section 552.108(a)(2) of the Government Code. However, we note that basic information about an arrested person, an arrest, or a crime is not excepted from disclosure under section 552.108. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle* and includes, among other things, the identification and description of the complainant. See Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). In this instance, the information you seek to withhold consists of the complainant's name. Because the complainant's name is basic information, it may not be withheld under section 552.108. As you raise no further exceptions to its disclosure, the name of the 9-1-1 caller must be released.

In summary, this ruling does not address the non-responsive information and it need not be released. The department must withhold the originating telephone number and address of the 9-1-1 caller contained in the responsive information under section 552.101 of the Government Code in conjunction with section 772.118, section 772.218, or section 772.318 of the Health and Safety Code. The remaining responsive 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.

¹As our ruling is dispositive, we need not address your remaining arguments against the disclosure of this information.

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,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 387254

Enc. Submitted documents

c: Requestor
(w/o enclosures)