



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 20, 2010

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

OR2010-10772

Dear Ms. Villareal:

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# 387290 (Waco Reference No. LGL-10-620).

The Waco Police Department (the "department") received a request for records pertaining to an incident that occurred on April 12, 2010. You claim the submitted computer-aided dispatch ("CAD") report is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted report.

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. 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 represent the City of Waco is within an emergency communication district that is subject to section 772.318. You marked a gate code, business telephone number, pager numbers, caller telephone number, and an address in the submitted CAD report which you seek to withhold under section 772.318. The plain language of section 772.318 states, and this office has opined, the statute's confidentiality only applies to originating telephone numbers and the addresses associated with those numbers. *See* Open Records Decision Nos. 649 at 3 (1996) (section 772.318 makes confidential current

telephone numbers of subscribers and addresses associated with numbers and nothing more), 478 at 2 (1987) (statutory confidentiality requires express language making certain information confidential or stating that information shall not be released to public). Therefore, the gate code, business telephone number, and pager numbers may not be withheld under this section. Furthermore, the address you marked appears to be the address of a cellular telephone tower nearest to the location of the 9-1-1 caller, rather than the actual address of the caller. Thus, to the extent this address corresponds to a cellular telephone tower location, it must be released to the requestor. However, to the extent the address you marked is the originating address of a 9-1-1 caller supplied by a 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. We agree the remaining telephone number you marked, which is the originating telephone number of a 9-1-1 caller, must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. As you raise no further exceptions, 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,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/em

Ref: ID# 387290

Enc. Submitted documents

c: Requestor  
(w/o enclosures)