



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 29, 2010

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

OR2010-11423

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# 388542 (LGL-10-680).

The Waco Police Department (the "department") received a request for a narrative report pertaining to a named individual, the requestor, and a specified address. You have released a redacted copy of the submitted information to the requestor. 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.

Initially, we note you have only submitted a Computer Aided Dispatch ("CAD") report. Although you state the department released a redacted copy of the CAD report, you do not inform us whether the requested narrative report has been released. We assume, to the extent any additional information responsive to the instant request existed when the department received the request for information, you have released it to the requestor. If not, then you must do so 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," and encompasses information made confidential by other statutes. 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. 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 of 9-1-1 callers when they are furnished by a service supplier. *Id.* at 2.

You state the City of Waco is part of an emergency communication district established under section 772.318 of the Health and Safety Code. You have highlighted the information you seek to withhold under section 772.318. Upon review, we conclude the department must withhold the caller's originating telephone number under section 552.101 of the Government Code in conjunction with section 772.318 provided it was furnished by a 9-1-1 service supplier. However, you also seek to withhold the telephone number for the apartment manager of the apartment complex at which the incident occurred. Because this number, which we marked for release, is not the originating telephone number of the 9-1-1 caller, it may not be withheld under section 552.101 in conjunction with section 772.318. Furthermore, the address you have highlighted is of a cellular telephone tower location, which is not an originating address of a 9-1-1 caller. Therefore, this address, which we also marked for release, may not be withheld under section 552.101 in conjunction with section 772.318. As you raise no further exceptions to disclosure of this information, 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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 388542

Enc. Submitted documents

c: Requestor
(w/o enclosures)