



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 29, 2010

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

OR2010-11442

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# 388579 (Waco Reference No. LG-10-684).

The City of Waco, Waco Police Department, and Waco Fire Department (collectively "the city") each received a request for information pertaining to a specified incident. You indicate the city will release some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 information made confidential by other statutes. You contend that the information you have marked in the submitted computer aided dispatch report record is excepted from disclosure under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, 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 to be

part of an emergency communication district that was established under section 772.318.<sup>1</sup> We note that one of the telephone numbers you marked may not be the originating telephone number of a 9-1-1 caller furnished by a service supplier but instead may be a telephone number supplied by the caller. If this telephone number was supplied by the caller, it may not be withheld under section 772.318. Thus, we find that to the extent the telephone numbers and address you have marked are the originating telephone numbers and address supplied by a 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, to the extent the marked information was not supplied by a 9-1-1 service supplier, section 772.318 is not applicable to this information, and it may not be withheld under section 552.101 on that basis.

Next, you claim some of the remaining information is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code* § 552.130(a)(1)-(2). Accordingly, the city must withhold the Texas motor vehicle record information you have marked in the remaining information and the Texas license plate numbers we have indicated in the submitted photographs under section 552.130 of the Government Code.<sup>2</sup>

In summary, to the extent the telephone numbers and address you have marked are the originating telephone numbers and address supplied by a 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city must withhold the Texas motor vehicle information you have marked in the remaining information and the Texas license plate numbers we have indicated in the submitted photographs under section 552.130 of the Government Code. 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

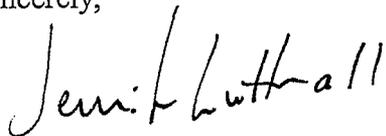
---

<sup>1</sup>Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

<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 a Texas driver's license number, Texas license plate number, and any portion of a photograph depicting a Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

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,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/dls

Ref: ID# 388579

Enc. Submitted documents

c: Requestor  
(w/o enclosures)