



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 30, 2010

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
Attorneys for City of McKinney
740 East Campbell Road, Suite 800
Richardson, Texas 75801

OR2010-11481

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# 388726.

The McKinney Police Department (the "department"), which you represent, received a request for call reports for three specified addresses during specified time periods. You claim 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.

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 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997, are confidential under section 58.007. Section 58.007(c) provides as follows:

Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

- (1) if maintained on paper or microfilm, kept separate from adult files and records;

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapters B, D, and E.

Fam. Code § 58.007(c). For purposes of section 58.007, a "child" is defined as a person ten years of age or older and under seventeen years of age. *Id.* § 51.02(2)(A); *see also* § 51.03 (defining "delinquent conduct" and "conduct indicating a need for supervision" for purposes of section 58.007). You claim the Call For Service Report for case number 08-062387 is confidential under section 58.007. You have not explained, nor can we discern from our review, how this information pertains to a juvenile engaged in delinquent conduct or conduct indicating a need for supervision. Accordingly, we find you have not demonstrated the applicability of section 58.007(c) of the Family Code to any portion of this report, and the department may not withhold it under section 552.101 of the Government Code on that basis.

Section 552.101 also 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 the submitted Call For Service Reports contain the originating telephone numbers and addresses of 9-1-1 callers that were furnished by a service supplier. You do not inform us, however, whether 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. Nevertheless, if the city is part of an emergency communication district established under one of these sections, then, to the extent the telephone numbers and addresses of the 9-1-1 callers were supplied by a 9-1-1 service supplier, the department must withhold this information contained in the Call For Service Reports under section 552.101. If the city is not subject to section 772.118, section 772.218, or section 772.318, or if the telephone numbers and addresses of the 9-1-1 callers were not supplied by a 9-1-1 service supplier, then the department may not withhold any information in the Call for Service Reports under section 552.101 on the basis of section 772.118, section 772.218, or section 772.318.

We note the remaining information contains a Texas license plate number subject to section 552.130 of the Government Code.¹ Section 552.130 provides that information relating to a motor vehicle title or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(2). Therefore, the department must withhold the information we have marked under section 552.130 of the Government Code.²

In summary, if the city is part of an emergency communication district established under section 772.118, section 772.218, or section 772.318, then, to the extent the telephone numbers and addresses were supplied by a 9-1-1 service supplier, the department must withhold these telephone numbers and addresses under section 552.101 of the Government Code. The department must withhold the Texas license plate number we have marked under section 552.130 of the Government Code. As you raise no further exceptions to disclosure, the department must release the remaining information.

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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

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¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We 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 license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 388726

Enc. Submitted documents

c: Requestor
(w/o enclosures)