



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 22, 2010

Mr. Douglas E. Manning  
Assistant County Attorney  
Orange County  
801 Division  
Orange, Texas 77630

OR2010-16055

Dear Mr. Manning:

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# 398083.

The Orange County Sheriff's Office (the "sheriff") received a request for information pertaining to a specified location. You claim that 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 information made confidential by other statutes. Chapter 772 of the Health and Safety Code relates to local emergency communication 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). You state that Orange County is part of an emergency communication district that was established under section 772.318, and that the telephone numbers and addresses in the submitted call dispatch records were provided by a 9-1-1 service provider. Thus, based on your representations and our review, we determine that the addresses and telephone numbers of the 9-1-1 callers contained in the submitted information,

which we have marked, are excepted from public disclosure under section 552.101 in conjunction with section 772.318 of the Health and Safety Code.

Section 552.101 of the Government Code also encompasses section 771.061 of the Health and Safety Code, which makes confidential “[i]nformation that a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service” and “[i]nformation that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service.” Health & Safety Code § 771.061(a). Although you generally assert the remainder of the submitted call records is excepted from public disclosure under section 771.061, you do not identify any portions of this information that were furnished to the sheriff by a telecommunications service provider. Accordingly, we find none of the remaining information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 771.061 of the Health and Safety Code.

We note some of the remaining information is subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides that information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov’t Code § 552.130(a)(1), (2). Thus, the sheriff must withhold the driver’s license information we have marked under section 552.130.<sup>2</sup>

In summary, the sheriff must withhold the telephone numbers and addresses of the 9-1-1 callers we have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The sheriff must withhold the information we have marked 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 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,

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception like section 552.130 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

<sup>2</sup>In Open Records Decision No. 684 (2009), this office issued a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver’s license numbers under section 552.130, without the necessity of requesting an attorney general decision.

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,



James McGuire  
Assistant Attorney General  
Open Records Division

JM/dls

Ref: ID# 398083

Enc. Submitted documents

c: Requestor  
(w/o enclosures)