



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 2, 2010

Ms. Judith N. Benton
Ms. Michelle L. Villarreal
Assistant City Attorneys
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2010-16561

Dear Ms. Benton and 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# 403508 (LGL-10-1356, LGL-10-1412).

The Waco Police Department (the "department") received two requests from the same requestor for information related to two specified motor vehicle accidents. You state the department will make available some of the requested information to the requestor. You claim portions of the submitted computer-aided dispatch ("CAD") reports are 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." *Id.* § 552.101. This exception encompasses information other statutes make confidential. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code 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 number and address of a 9-1-1 caller that are furnished by a 9-1-1 service supplier confidential. *Id.* at 2. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

You state the City of Waco is part of an emergency communication district established under chapter 772. You have marked the information you seek to withhold under section 772.318 in the submitted CAD reports. It appears the second CAD report also contains the 9-1-1 caller's originating address, which we have marked. To the extent the marked telephone

number and address are the originating telephone number 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 telephone number and address were not supplied by a 9-1-1 service supplier, section 772.318 is not applicable to this information, and it must be released to the requestor. The remaining marked information you seek to withhold in the second CAD report consists of a license plate number. Because this information is not the originating telephone number or address of a 9-1-1 caller, it may not be withheld under section 552.101 in conjunction with section 772.318. As you have claimed no further exceptions to disclosure for the remaining submitted information, it must be released to the requestor.¹

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_or1.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 403508

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note that, in this instance, the requestor has a right of access under section 552.023 of the Government Code to the license plate number as the insured person's authorized representative. *See id.* § 552.023 (a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual or authorized representative asks governmental body to provide information concerning that individual).