



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 12, 2010

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

OR2010-17187

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# 402220 (City of Waco Ref. # LGL-10-1287).

The City of Waco (the "city") received a request for information pertaining to a specified 9-1-1 call. You claim that the marked portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have reviewed the submitted information and considered the exception you claim.

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 thus encompasses information made confidential by other statutes. You contend that the marked portions of the submitted information are excepted from disclosure under section 552.101 in conjunction with section 772.318(c) of the Health and Safety Code. 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 the city is part of an emergency communication district that was established under section 772.318.¹ You seek to withhold a telephone number under section 772.318(c). You do not inform us, however, whether the marked information was furnished by a service supplier. Accordingly, we will rule conditionally. Thus, we find that to the extent the marked telephone number is the originating telephone number 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(c) 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(c) is not applicable to this information, and 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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/sdk

Ref: ID# 402220

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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