



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 16, 2010

Mr. Brandon S. Shelby
City Attorney
City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106

OR2010-18951

Dear Mr. Shelby:

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# 403419.

The City of Sherman (the "city") received a request for all information, including witness statements, witness contact information, and 9-1-1 caller contact information, regarding incident report numbers 10-0005352 and 10-0005354. You state the city has provided most of the requested information to the requestor. You claim portions of the submitted 9-1-1 call report 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." Gov't Code § 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. We understand the city is part of an emergency communication district established under section 772.318. You have marked the name, address, and telephone number you seek to withhold under section 772.318 in the submitted 9-1-1 report. You indicate the marked information was received from a 9-1-1

service supplier. Upon review, we conclude the city must withhold the 9-1-1 caller's originating telephone number and address, which we have marked, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The remaining marked information you seek to withhold consists of the 9-1-1 caller's name. Because this information is not the originating telephone number or address of the 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 this information, it must be released.

We note the remaining information contains Texas motor vehicle record information. Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license, title, or registration issued by a Texas agency is excepted from public release.¹ Gov't Code § 552.130(a)(1), (2). We have marked Texas license plate numbers, a license plate type, and vehicle identification numbers in the remaining information. You state the submitted information pertains to a fatality motor vehicle accident. The purpose of section 552.130 is to protect the privacy interests of individuals. Because the right of privacy lapses at death, Texas motor vehicle record information that pertains solely to deceased individuals may not be withheld under section 552.130. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref'd n.r.e.); *see also* Attorney General Opinions JM-229 (1984); H-917 (1976); Open Records Decision No. 272 at 1 (1981). Thus, the city must withhold the marked motor vehicle record information under section 552.130 of the Government Code only if living individuals have ownership interests in the vehicles to which the license plate numbers, license plate type, and vehicle identification numbers belong.

In summary, the city must withhold the telephone number and address we have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city must also withhold the marked Texas license plate numbers, license plate type, and vehicle identification numbers that belong to living individuals under section 552.130 of the Government Code.² The remaining information must be released.

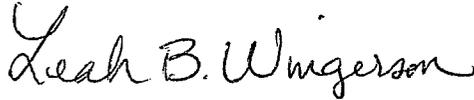
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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).

²Open Records Decision No. 684 (2009) is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

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,

A handwritten signature in cursive script that reads "Leah B. Wingerson".

Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 403419

Enc. Submitted documents

c: Requestor
(w/o enclosures)