



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 10, 2011

Ms. Rita Monterrosa
Paralegal
City of Abilene
P.O. Box 60
Abilene, Texas 79604-0060

OR2011-00476

Dear Ms. Monterrosa:

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# 410275.

The Abilene Police Department (the "department") received a request for information pertaining to a specified 9-1-1 call. You state the department has released some of the responsive information. You claim a portion of 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.

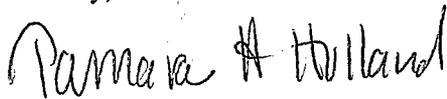
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information protected by other statutes, such as section 772.318 of the Health and Safety Code. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000 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). We understand that the City of Abilene is part of an emergency communication district established under section 772.318 of the Health and Safety Code. We note section 772.318 only applies to information furnished by a 9-1-1 service supplier. We understand you to assert the name and telephone number of the 9-1-1 caller in the submitted audio recording are excepted from disclosure. However, we note that section 772.318 only makes the originating telephone

numbers and addresses of 9-1-1 callers confidential. Thus, the name of the 9-1-1 caller may not be withheld on this basis. You also claim section 772.318 for the caller's telephone number. However, we note the telephone number was furnished to the 9-1-1 dispatcher by the 9-1-1 caller. Accordingly, section 772.318 is not applicable to the telephone number, and this information may not be withheld under section 552.101 on that basis. *See* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure), 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). As you raise no further exceptions to disclosure, the submitted recording 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, 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/tf

Ref: ID# 410275

Enc. Submitted documents

c: Requestor
(w/o enclosures)