



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 19, 2011

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2011-00893

Dear Ms. Middlebrooks:

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# 407768 (DPD Public Information request # 2010-10468).

The Dallas Police Department (the "department") received a request for information pertaining to a specified accident. You claim some of the requested information is excepted from disclosure under sections 552.101, 552.117, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. 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 apply only to an emergency 9-1-1 district established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These statutes make confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *Id.* at 2. We understand you to assert the emergency communication district here is subject to section 772.318, which applies to an emergency communication district for a county with a population of more than 20,000. Therefore, to the extent the originating telephone number of a 9-1-1 caller you have marked was supplied by a 9-1-1 service supplier, this information

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

is confidential under section 772.318 of the Health and Safety Code and the department must withhold it from disclosure under section 552.101 of the Government Code. However, if this information was not provided by a 9-1-1 service supplier to the emergency communication district, then the department may not withhold this information under section 552.101 on that ground.

You assert some of the submitted information is excepted under section 552.117 of the Government Code. Section 552.117(a)(2) excepts the home addresses and telephone numbers, social security numbers, and family member information of a peace officer as defined by Article 2.12 of the Code of Criminal Procedure, regardless of whether the officer made an election under section 552.024 of the Government Code. Gov't Code § 552.117(a)(2); *see* Open Records Decision No. 622 (1994). You have marked information that you assert is excepted under section 552.117; however, you do not explain, and the submitted information does not otherwise indicate, the applicability of this section to the information you have marked. *See* Gov't Code § 552.301(e)(1)(A) (in request for ruling, governmental body must submitted written comments stating the reasons why stated exceptions apply that would allow information to be withheld). Accordingly, we must rule conditionally. If the information at issue consists of a home address or telephone number, social security number, or family member information of a department officer, then the department must withhold the information you have marked under section 552.117(a)(2).² If, however, the information does not consist of a home address or telephone number, social security number, or family member information of department peace officers, then the department may not withhold this information under section 552.117(a)(2).

You assert some of the remaining information is excepted under section 552.130 of the Government Code, which provides 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). The department must withhold the Texas motor vehicle record information you have marked, as well as the information we have marked, under section 552.130.³

Finally, you assert some of the remaining information is excepted under section 552.136 of the Government Code. Section 552.136 provides "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code

²We note a government body may withhold a peace officer's home address and telephone number, personal cell phone and pager numbers, social security number, and family member information under section 552.117(a)(2) without requesting a decision from this office. *See* Open Records Decision No. 670 (2001); Gov't Code § 552.147(b).

³We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers and Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general opinion.

§ 552.136(b); *see id.* § 552.136(a) (defining “access device”). You inform us an employee’s identification number is used in conjunction with one additional digit in order to access the employee’s credit union account. Thus, we find the department must withhold the identification numbers you have marked under section 552.136 of the Government Code. We have marked account numbers the department must also withhold under section 552.136.

To conclude, the department must withhold the following: (1) the originating telephone number of a 9-1-1 caller you have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code if this information was supplied by a 9-1-1 service supplier; (2) the information you have marked under section 552.117(a)(2) of the Government Code if it consists of a home address or telephone number, social security number, or family member information of department peace officers; and (3) the information marked under sections 552.130 and 552.136 of the Government Code. The department must release the remaining information.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tf

Ref: ID# 407768

Enc. Submitted documents

c: Requestor
(w/o enclosures)