



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2011

Ms. Judith N. Benton
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2011-01684

Dear Ms. Benton:

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# 412029 (LGL-10-1825).

The Waco Police Department (the "department") received a request for information related to a named individual. You state that some responsive information has been released to the requestor. You claim some 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," and encompasses information made confidential by other statutes. Gov't Code § 552.101. You have marked information in the submitted CAD record that you seek to withhold under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications 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 indicate that the City of Waco is part of an emergency communication district that was established under section 772.318.¹

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

You have highlighted a telephone number that you seek to withhold under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. You have also highlighted an address; however, the address you have marked is the location of the incident that is the subject of the 9-1-1 call. We note the location address is not an originating address for purposes of section 772.318. Accordingly, we have marked this location for release. Provided that the remaining information you have highlighted consists of an originating telephone number furnished by a 9-1-1 service supplier, we conclude the department must withhold that information under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. The remaining information 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 412029

Enc. Submitted documents

c: Requestor
(w/o enclosures)