



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 18, 2011

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

OR2011-02536

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# 413970 (LGL-11-074).

The City of Waco (the "city") received a request for information relating to a specific address and the surrounding area during a specified time interval. You indicate some of the requested information has been released. You claim other responsive information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

Section 552.101 of 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 communication districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 911 districts established in accordance with chapter 772. See Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 911 callers furnished by a service supplier confidential. *Id.* at 2. Section 772.118 applies to an emergency communication district for a county with a population of more than two million. Section 772.218 applies to an emergency communication district for a county with a population of more than 860,000. 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 of the Health and Safety Code. You have highlighted telephone numbers, addresses, and other information the city seeks to withhold under section 772.318. You indicate the highlighted telephone numbers and addresses pertain to 911 callers. You do not inform us, however, whether the telephone numbers and addresses were furnished by a service supplier. Accordingly, we will rule conditionally. Thus, to the extent the highlighted telephone numbers and addresses were furnished by a service supplier, we conclude they must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. But to the extent they were not furnished by a service supplier, we conclude the highlighted telephone numbers and addresses may not be withheld under section 552.101 on the basis of section 772.318 and must be released. We find the remaining information you have highlighted does not fall within the scope of section 772.318. *See* ORD 649 at 3 (language of confidentiality provision controls scope of its protection). We therefore conclude the remaining highlighted information may not be withheld under section 552.101 in conjunction with section 772.318 and must be released.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See* Gov't Code § 552.130(a)(1)-(2). You also have highlighted Texas driver's license and motor vehicle information the city seeks to withhold under section 552.130. We find some of the highlighted information, which we have marked, does not fall within the scope of section 552.130 and must be released. We agree the city must withhold the rest of the highlighted information, along with the additional Texas motor vehicle information we have marked, under section 552.130 of the Government Code.

We note section 552.136 of the Government Code is applicable to some of the remaining information at issue.<sup>1</sup> Section 552.136(b) states that "[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." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has determined an insurance policy number is an access device for purposes of section 552.136. The city must withhold the insurance policy number we have marked under section 552.136 of the Government Code.

In summary: (1) to the extent they were furnished by a service supplier, the city must withhold the highlighted telephone numbers and addresses of 911 callers under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code; (2) except for the information we have marked for release, the city must withhold the highlighted Texas driver's license and motor vehicle information and the

---

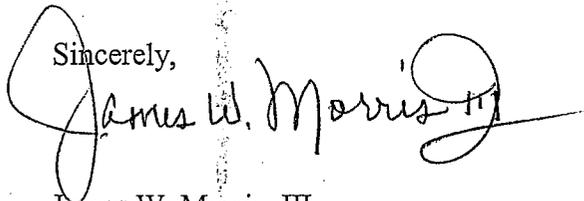
<sup>1</sup>This office will raise section 552.136 on behalf of a governmental body, as this section is a mandatory exception to disclosure. *See* Gov't Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

additional Texas motor vehicle information we have marked under section 552.130 of the Government Code; and (3) the city must withhold the insurance policy number we have marked under section 552.136 of the Government Code. The rest of the information at issue must be released.<sup>2</sup>

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](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 W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 413970

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>2</sup>We note this office issued Open Records Decision No. 684 (2009), a previous determination authorizing all governmental bodies to withhold ten categories of information without the necessity of requesting an attorney general decision, including Texas driver's license and license plate numbers under section 552.130 of the Government Code and an insurance policy number under section 552.136 of the Government Code.