



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 26, 2011

Ms. Andrea M. Gardner
City Manager
City of Copperas Cove
P.O. Box 1449
Copperas Cove, Texas 76522

OR2011-10696

Dear Ms. Gardner:

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# 424989.

The City of Copperas Cove (the "city") received two requests from the same requestor for the 9-1-1 call and other information pertaining to police case number 09-2369. You claim portions of the submitted police incident report and 9-1-1 call audio recording are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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. You generally assert some of the submitted information is confidential under section 772.318. You have not, however, provided any arguments explaining how section 772.318 applies to the submitted information. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). Furthermore, although the submitted information contains the 9-1-1 caller's address and telephone number, the submitted 9-1-1 call audio recording reveals the caller provided his address and telephone number to the 9-1-1 operator, rather than the information being received from a 9-1-1 service supplier. Consequently, you have failed to

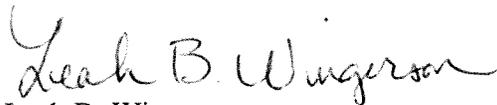
demonstrate the applicability of section 772.318 to the submitted information, and none of the information may be withheld under section 552.101 of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license or driver's license issued by a Texas agency, or an agency of another state or country, is excepted from public release. Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130(a)(1)). We have marked Texas driver's license numbers in the submitted incident report the city must withhold under section 552.130 of the Government Code.¹ As you have not claimed any other exceptions to disclosure, the city must release the remaining information.²

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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

¹This 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 under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

²We note the information to be released includes the requestor's driver's license number, which is generally excepted under section 552.130 of the Government Code. However, because section 552.130 of the Government Code was enacted to protect a person's privacy, the requestor has a right of access to her own private information under section 552.023(a) of the Government Code. *See* Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests).

Ref: ID# 424989

Enc. Submitted documents

c: Requestor
(w/o enclosures)