



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 27, 2011

Ms. Lillian Guillen Graham  
Assistant City Attorney  
City of Mesquite  
P.O. Box 850137  
Mesquite, Texas 75185-0137

OR2011-13987

Dear Ms. Graham:

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# 431234.

The Mesquite Police Department (the "department") received five requests from five different requestors for information pertaining to specified call sheets, an arrest report, and a video. You state you are releasing some of the requested information to the requestors, with social security numbers redacted pursuant to section 552.147 of the Government Code.<sup>1</sup> You claim portions of the submitted information 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 communication districts. Sections 772.118, 772.218 and 772.318 are applicable to emergency 911 districts established in accordance with chapter 772. *See* Open Records

---

<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).

Decision No. 649 (1996). These sections make 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. You state the City of Mesquite is part of an emergency communication district established under section 772.118. You also state the telephone numbers you have marked were obtained from a 911 service supplier. Based on your representations, we conclude the department must withhold the marked telephone numbers under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code.<sup>2</sup>

Section 552.101 also encompasses the doctrine of common-law privacy, which protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex.1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be established. *Id.* at 681-82. This office has found personal financial information not relating to a financial transaction between an individual and a governmental body is generally highly intimate or embarrassing. *See* Open Records Decision No. 545 (1990). You have marked lien information that you seek to withhold under common-law privacy. Upon review, we find the lien information you have marked is highly intimate or embarrassing and is not of legitimate public concern. Thus, the department must withhold the lien information you have marked under section 552.101 in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle title or registration 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)(2)). You seek to withhold the motor vehicle record information you have marked in the remaining information. Upon review, we find the department must withhold the information you have marked, in addition to the information we have marked, under section 552.130.

In summary, the department must withhold the information marked under (1) section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code; (2) section 552.101 of the Government Code in conjunction with common-law privacy; and (3) section 552.130 of the Government Code. The remaining information must be released.

You ask this office to issue a previous determination permitting the department to withhold telephone numbers of 911 callers under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code and lien information from call sheets under section 552.101 of the Government Code in conjunction with common-law

---

<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

privacy. We decline to issue such a previous determination at this time. Accordingly, 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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/akg

Ref: ID# 431234

Enc. Submitted documents

cc: 5 Requestors  
(w/o enclosures)