



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 17, 2011

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

OR2011-15075

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# 433756.

The Mesquite Police Department (the "department") received two requests for information. The first requestor seeks the 9-1-1 call sheet and intersection camera video recording pertaining to a specified accident involving the requestor's wife. The second requestor seeks the same 9-1-1 call sheet, as well as another call sheet, for a different incident. You state the department is releasing the requested video recording to the first requestor. You claim portions of the submitted 9-1-1 call sheets 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 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make originating telephone numbers and addresses of 9-1-1 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 represent the telephone numbers you have marked are the originating telephone numbers of 9-1-1 callers furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code. 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.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country and information related to a motor vehicle title or registration issued by an agency of this state or another state or country. 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). We agree the information you have marked is subject to section 552.130. However, one of the license plate numbers you marked pertains to a car that was being driven by the first requestor's wife. Section 552.023(a) of the Government Code provides that "[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." Gov't Code § 552.023(a). Because section 552.130 protects privacy interests, if he is acting as his wife's authorized representative the first requestor has a right of access under section 552.023 to her motor vehicle record information. Thus, if the first requestor is his wife's authorized representative, he has a right of access to her license plate number, which we have marked, and the department must release such information to him. In that case, the remaining information you marked must be withheld under section 552.130 of the Government Code. If the first requestor is not acting as an authorized representative of his wife, then the department must withhold all the information you marked under section 552.130 of the Government Code.

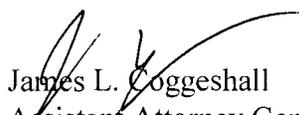
In summary, the department must withhold the telephone numbers you marked under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code. The department must also withhold the information you marked under section 552.130 of the Government Code, but pursuant to section 552.023 of the Government Code must release the license plate number we marked to the first requestor if he is his wife's authorized representative. The remaining information must be released.

Finally, you ask this office to issue a previous determination permitting the department to withhold telephone numbers of 9-1-1 callers under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). After due consideration, we have decided to grant your request on this matter. Therefore, this letter ruling shall serve as a previous determination under section 552.301(a) that the department must withhold under

section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code an originating telephone number of a 9-1-1 caller furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code. So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the department need not ask for a decision from this office again with respect to this type of information. *See* ORD 673 at 7. You also ask this office to issue a previous determination permitting the department to withhold lien information from call sheets under section 552.101 of the Government Code in conjunction with common-law privacy. However, we decline to issue a previous determination on such information at this time. 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/ag

Ref: ID# 433756

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)