



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 26, 2011

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

OR2011-15736

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# 438805 (LGL-11-1357).

The City of Waco (the "city") received a request for information involving a named individual. You indicate some of the requested information has been released. You claim the rest of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

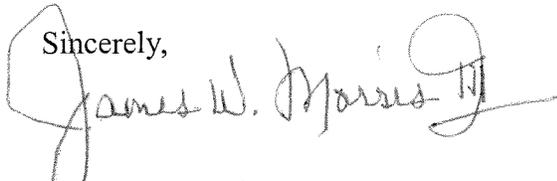
Section 552.101 of Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. Chapter 772 of the Health and Safety 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 information the city seeks to withhold under section 772.318. You state the highlighted telephone number pertains to a 911 call. You do not inform us, however, whether the telephone number was furnished by a service supplier. Accordingly, we will rule conditionally. Thus, if the telephone number was furnished by a service supplier, then it must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. But if it was not furnished by a service supplier, then the telephone number may not be withheld under section 552.101 on the basis of section 772.318 and must be released. Although you also have highlighted a location to be withheld under section 772.318, you have not demonstrated that section 772.318 is applicable to that information. *See* ORD 649 at 3 (language of confidentiality provision controls scope of its protection). We therefore conclude the highlighted location may not be withheld under section 552.101 on the basis of section 772.318 and must be released.

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# 438805

Enc: Submitted documents

c: Requestor  
(w/o enclosures)