



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 26, 2011

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

OR2011-15761

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# 434275.

The Mesquite Police Department (the "department") received a request for the call sheet for a specified incident that occurred on a specified date and involved a specified address. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note you seek to withhold information relating to 9-1-1 callers. In Open Records Letter No. 2011-15075 (2011), this office issued a previous determination to the department authorizing the department to withhold 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 under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). You state the telephone numbers you have marked are the originating telephone numbers of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772. As such, the department must withhold the marked telephone numbers in accordance with the previous determination issued to the department in Open Records Letter

No. 2011-15075. However, we note you have also marked an address; thus, this type of information was not previously ruled upon. Accordingly, we will consider your arguments against disclosure of this information.

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses information protected by other statutes, such as chapter 772 of the Health and Safety Code. Chapter 772 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 numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 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 inform us the City of Mesquite is party of an emergency communication district established under section 772.118. You state the address you have marked was obtained from a 9-1-1 service supplier. As such, we find the department must withhold the address you have marked under section 552.101 in conjunction with section 772.118 of the Health and Safety Code.¹

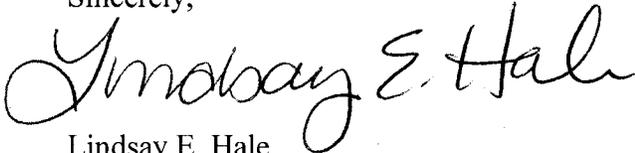
In summary, the department must withhold the marked telephone numbers in accordance with the previous determination issued to the department in Open Records Letter No. 2011-15075. The department must withhold the address you have marked under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code.

Finally, you ask this office to issue a previous determination permitting the department to withhold addresses 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); ORD 673. 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 address 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.

¹As we are able to make this determination, we do not address your claim under section 771.061 of the Health and Safety Code.

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,

A handwritten signature in black ink that reads "Lindsay E. Hale". The signature is written in a cursive, flowing style.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 434275

Enc. Submitted documents

c: Requestor
(w/o enclosures)