ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 28, 2011

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2011-15847

Dear Ms. Villarreal:

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# 439756 (LGL-11-1424).

The Waco Police Department (the "department") received a request for information related to a specified incident. You claim some 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 of Waco is part of an emergency communication district established under section 772.318 of the Health and Safety Code. You have highlighted a telephone number related to a 911 call the department seeks to withhold under section 772.318. You do not inform us, however, whether the telephone number was furnished by a service supplier. Accordingly, we will rule conditionally. Thus, if the highlighted 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. In either event, the department must release the remaining information unless it has already done so.

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,

James W. Morris, III

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 439756

Enc: Submitted documents

c: Requestor
(w/o enclosures)