



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 8, 2011

Ms. Linda Hight  
Records Coordinator  
City of Cleburne  
P.O. Box 677  
Cleburne, Texas 76033

OR2011-16422

Dear Ms. Hight:

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# 441050.

The Cleburne Police Department (the "department") received a request for a recording of an interview of a named individual and a log of 911 calls for a specified date and time period. You state some of the requested information has been released. You claim the remaining 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.

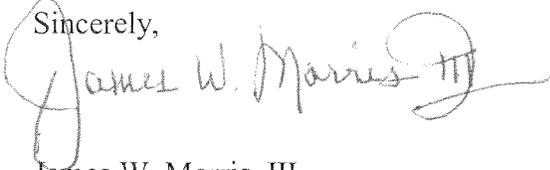
Section 552.101 of Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. Chapter 772 of the Health and Safety 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.

You seek to withhold the originating telephone number and address of a 911 caller under section 772.318 of the Health and Safety Code. You do not affirmatively state, however, whether the City of Cleburne (the "city") is part of an emergency communication district established under section 772.318. Nor do you affirmatively state whether the 911 caller's telephone number and address were furnished by a service supplier. Nevertheless, we will rule conditionally. Thus, if the city is part of an emergency communication district established under section 772.318, and if the 911 caller's telephone number and address were furnished by a service supplier, then the department must withhold the telephone number and address under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. But if the city is not part of an emergency communication district established under section 772.318, or if the 911 caller's telephone number and address were not furnished by a service supplier, then the telephone number and address may not be withheld under section 552.101 in conjunction with 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# 441050

Enc: Submitted documents

c: Requestor  
(w/o enclosures)