



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 13, 2012

Mr. Robert L. Dillard III
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 North Akard Street
Dallas, Texas 75201

OR2012-05359

Dear Mr. Dillard:

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# 450598 (Ref. No. W000360-012312).

The University Park Police Department (the "department"), which you represent, received a request for documents pertaining to the phone numbers from which specified 9-1-1 calls originated and any metadata related to the digital file storing the specified 9-1-1 calls. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted 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. Section 772.318 of the Health and Safety Code is applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). This section makes 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 772.318 applies to an emergency communication district for a county with a population of more than 20,000. We note the plain language of section 772.318 states, and this office has opined, that confidentiality only applies to originating telephone numbers and the addresses associated with those numbers. *See* Gov't Code § 772.318(a), (c); Open Records Decision Nos. 649 at 3 (section 772.318 makes confidential current telephone numbers of subscribers and the addresses associated with the numbers, and nothing more), 478 at 2 (1987) (statutory

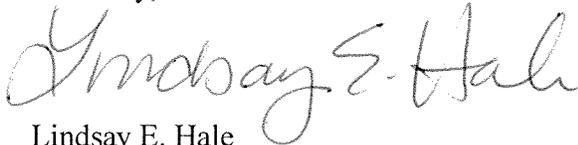
confidentiality requires express language making certain information confidential or stating that information shall not be released to public). Therefore, information other than callers' originating telephone numbers and addresses may not be withheld under this section.

You inform us the City of University Park is part of an emergency communication district established under section 772.318. You do not inform us, however, whether the information at issue was furnished by a service supplier. Accordingly, we will rule conditionally. Thus, if the 9-1-1 callers' originating telephone numbers and addresses were furnished by a 9-1-1 service supplier, then the originating telephone numbers and addresses at issue 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 the 9-1-1 callers' telephone numbers and addresses at issue were not furnished by a 9-1-1 service supplier, they may not be withheld under section 552.101 on the basis of section 772.318. None of the remaining information constitutes a 9-1-1 caller's originating telephone number or address; therefore, the remaining information may not be withheld on this basis. As you raise no further exceptions to disclosure, any remaining information 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, 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 450598

Enc. Submitted documents

c: Requestor
(w/o enclosures)