



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 5, 2012

Mr. James McKechnie
Assistant City Attorney
City of Wichita Falls
P.O. Box 1431
Wichita Falls, Texas 76307

OR2012-17676

Dear Mr. McKechnie:

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# 470039 (City ID# 422).

The Wichita Falls Police Department (the "department") received a request for information regarding a caller who reported a specified accident. You claim some of 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 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers furnished by a 9-1-1 service supplier. *See* Open Records Decision No. 649 (1996). You state the City of Wichita Falls is part of an emergency communication district that was established under section 772.318. You have marked the information you seek to withhold under section 772.318. However, we note you have marked two telephone numbers within a single record. It is unclear whether these telephone numbers are the originating telephone numbers provided by a 9-1-1 service supplier. Thus, we conclude to the extent the telephone

numbers and address you have marked consist of the originating telephone numbers and address of a 9-1-1 caller furnished by a 9-1-1 service supplier, the department must withhold the telephone numbers and address under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. If the marked telephone numbers and address are not the originating telephone numbers and address of a 9-1-1 caller provided by a 9-1-1 service supplier, that information may not be withheld under section 552.101 in conjunction with section 772.318. However, you have not demonstrated any of the remaining information you marked falls within the scope of this section and, thus, none of it may be withheld under section 552.101 in conjunction with section 772.318. See Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection). As you raise no other exception to disclosure, the 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,



Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/som

Ref: ID# 470039

Enc. Submitted documents

c: Requestor
(w/o enclosures)