



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 11, 2012

Ms. Rachel L. Lindsay
Counsel for the City of McKinney
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2012-19863

Dear Ms. Lindsay:

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# 473805 (ORR# 10-6137).

The City of McKinney (the "city"), which you represent, received a request for the audio recording of a specified 9-1-1 call from a named individual. 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.

Initially, we note only the submitted 9-1-1 audio recording from the named individual is responsive to the instant request for information. The submitted information that does not consist of an audio recording from the named individual is not responsive to the instant request for information. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

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, such as chapter 772 of the Health and Safety Code, which 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 9-1-1 districts

established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make confidential the originating telephone numbers of 9-1-1 callers only when they are furnished by a service supplier. *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 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000.

You do not inform us whether the city is part of an emergency communication district established under section 772.118, section 772.218, or section 772.318 of the Health and Safety Code. Moreover, we note the telephone number contained within the responsive audio recording was provided directly by the 9-1-1 caller at issue. Thus, we find you have failed to demonstrate how any portion of the responsive information consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier so as to be subject to chapter 772 of the Health and Safety Code. Accordingly, no portion of the responsive information may be withheld under section 552.101 in conjunction with section 772.118, section 772.218, or section 772.318 of the Health and Safety Code. As you raise no further exceptions to disclosure, the city must release the responsive audio recording to the requestor.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 473805

Enc. Submitted documents

c: Requestor
(w/o enclosures)