



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 26, 2013

Mr. Matthew B. Cross
Assistant City Attorney
City of El Paso
2 Civic Center Plaza, Ninth Floor
El Paso, Texas 79901

OR2013-03248

Dear Mr. Cross:

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# 479677.

The El Paso Police Department (the "department") received a request for incidents involving "family issues" for a specified address during the previous thirty-six months. You state the department has released some of the requested information but claim some of the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you seek to withhold telephone numbers and addresses that you inform us consist of the originating telephone numbers and addresses of 9-1-1 callers that were furnished to the department by a 9-1-1 service supplier. In Open Records Letter No. 2011-16449 (2011), this office issued a previous determination to the department authorizing it to withhold the originating telephone number and address of a 9-1-1 caller furnished by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code without requesting a decision from this office. See Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). Accordingly, the department must withhold the originating telephone numbers and addresses

of 9-1-1 callers you have marked in accordance with the previous determination issued in Open Records Letter No. 2011-16449. However, we note you have marked information that does not consist of either an originating telephone number or an address of a 9-1-1 caller. Thus, the department may not withhold this information, which we have marked for release, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code and in accordance with Open Records Letter No. 2011-16449 but, instead, must release it to the requestor.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. In addition, section 552.301(e)(2) of the Government Code requires a governmental body, when asking for a ruling from this office to withhold information under the Act, to label the copy of the specific information, or of the representative samples, to indicate which exceptions apply to which parts of the copy. Gov't Code § 552.301(e)(2). You inform us the city "submits that Report No. [sic] must be withheld pursuant to [section] 552.108(a)(2) [of the Government] Code in that the case did not result in conviction or deferred adjudication." However, the submitted information contains more than one incident report. The city did not label or otherwise identify which of the submitted incident reports pertains to a case that concluded in a result other than conviction or deferred adjudication. *See id.* Thus, upon review, we find you have not established any of the submitted information is excepted from disclosure under section 552.108(a)(2) of the Government Code.

Section 552.130(a) provides the following:

Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
- (2) a motor vehicle title or registration issued by an agency of this state or another state or country; or
- (3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

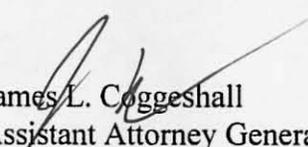
Id. § 552.130(a). The department must withhold the motor vehicle record information we have marked under section 552.130.

To conclude, with the exception of the information we have marked for release, the department must withhold the originating telephone numbers and addresses of 9-1-1 callers you have marked in accordance with the previous determination issued in Open Records Letter No. 2011-16449. The department must also withhold the information we have marked under section 552.130 of the Government Code. The department must release the remaining information.¹

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 L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tch

Ref: ID# 479677

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the submitted information contains a social security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.