



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 8, 2013

Mr. Warren Ernst  
Chief of the General Counsel Division  
City of Dallas  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2013-03945

Dear Mr. Ernst:

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# 481220.

The City of Dallas (the "city") received three requests for information from the same requestor pertaining to a specified incident involving a named individual at a specified address. You state the city will release some information to the requestor. You 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, you inform us some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2013-03184 (2013). In that ruling, we concluded, except for basic information, the city may withhold the information at issue under section 552.108(a)(1) of the Government Code. We have no indication the law, facts, and circumstances on which Open Records Letter No. 2013-03184 was based have changed. Accordingly, with regard to the requested information that is identical to the information previously requested and ruled upon by this office in the prior ruling, we conclude the city may continue to rely on Open Records Letter No. 2013-03184 as a previous determination and withhold or release the previously ruled upon information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first

type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). To the extent the submitted information is not encompassed by the previous ruling, we will address your arguments against its release.

Next, we note the submitted information includes the telephone numbers of 9-1-1 callers. In Open Records Letter No. 2011-17075 (2011), this office issued a previous determination to the city's police department (the "department") authorizing the department to withhold the originating telephone number of a 9-1-1 caller furnished to the department 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); ORD 673 (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We understand the telephone numbers you have marked in Exhibit C are the originating telephone numbers of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772. Therefore, pursuant to Open Records Letter No. 2011-17075, the telephone numbers you have marked in Exhibit C must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

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. This exception encompasses information made confidential by other statutes, such as section 771.061 of the Health and Safety Code, which makes confidential "[i]nformation that a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service" and "[i]nformation that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service[.]" Health & Safety Code § 771.061(a). You inform us that the city operates a computerized 9-1-1 service. You indicate that Exhibit D was provided to the city by its telecommunications service provider in order to facilitate the city's duties in maintaining a computerized 9-1-1 call center. Therefore, based upon your representation that the city operates a computerized 9-1-1 service, and to the extent Exhibit D was required to be furnished to the city by a telecommunications service provider or is contained in an address database used in providing computerized 9-1-1 service, the information is confidential under section 771.061 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code. *See also* Open Records Decision No. 661 at 1-2 (1999). However, information in Exhibit D that was not required to be furnished to the city by a telecommunications service provider and is not contained in an address database used in providing computerized 9-1-1 service is not confidential under section 771.061, and may not be withheld under section 552.101.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” *Id.* § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state Exhibit E is related to a pending criminal investigation. Based on your representation and our review, we conclude release of Exhibit E would interfere with the detection, investigation, or prosecution of a crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the city may withhold Exhibit E under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(1)-(2). We conclude the city must withhold the motor vehicle record information you have marked in Exhibit C under section 552.130 of the Government Code.

In summary, with regard to the requested information that is identical to the information previously requested and ruled upon by this office in Open Records Letter Decision No. 2013-03184, we conclude the city may continue to rely on Open Records Letter No. 2013-03184 as a previous determination and withhold or release the previously ruled upon information in accordance with that ruling. Pursuant to Open Records Letter No. 2011-17075, the telephone numbers you have marked in Exhibit C must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. To the extent Exhibit D was required to be furnished to the city by a telecommunications service provider or is contained in an address database used in providing computerized 9-1-1 service, the information is confidential under section 771.061 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code. The city may withhold Exhibit E under section 552.108(a)(1) of the Government Code. The city must withhold the motor vehicle record information you have marked in Exhibit C under section 552.130 of the Government Code. The city must release the remaining information.

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,



Sean Nottingham  
Assistant Attorney General  
Open Records Division

SN/tch

Ref: ID# 481220

Enc. Submitted documents

c: Requestor  
(w/o enclosures)