ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2013

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

OR2013-04152

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# 482780.

The City of Dallas (the "city") received a request for a database of all emergency medical services ("EMS") calls, including fields addressing "location, nature of call, date, time 9-1-1 call was made, time unit dispatched, [and] time unit arrived," for a specified time period. You state the city will release some information to the requestor upon receipt of reproduction costs. You claim 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 representative sample of information.[1]

In Open Records Letter No. 2011-18466 (2011), this office issued a previous determination to the city's police department (the "department") authorizing the department to withhold the originating address 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

[1]We assume the "representative sample" of information submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

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). You inform us that the city is unable to determine which of the addresses at issue were furnished by a 9-1-1 service supplier or which were furnished by the caller without reviewing each of the incident reports for each of the EMS calls at issue. As such, you ask this office whether the city may release the information at issue. We note, however, that section 772.318 of the Health and Safety Code, in part, states "[i]nformation furnished under this section is confidential and is not available for public inspection." Health & Safety Code § 772.318(c). Therefore, to the extent the information you have marked consists of the originating address of a 9-1-1 caller furnished by a service supplier established in accordance with chapter 772, the city must withhold the marked information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determination issued in Open Records Letter No. 2011-18466.

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 the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The types of information considered intimate or embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. Upon review, we find you have failed to demonstrate any of the remaining information at issue is highly intimate or embarrassing and of no legitimate public interest, and the city may not withhold it under section 552.101 on this basis.

In summary, to the extent the information you have marked consists of the originating address of a 9-1-1 caller furnished by a service supplier established in accordance with chapter 772 of the Health and Safety Code, the city must withhold the marked information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determination issued in Open Records Letter No. 2011-18466. 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, 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# 482780

Enc. Submitted documents

c: Requestor
(w/o enclosures)