



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 6, 2013

Ms. M. Ann Montgomery-Moran  
Assistant Ellis County and District Attorney  
Ellis County  
109 South Jackson  
Waxahachie, Texas 75165

OR2013-13569

Dear Ms. Montgomery-Moran:

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# 495419.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information, including call log records, related to controlled burn notices or reports during a specified time period. You claim some of the information in the submitted call logs 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, 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 the sheriff's office is part of a Regional Planning Commission as set up through the North Central Texas Council of Governments (the "council"). You explain the council has developed a regional plan for the establishment and operation of a 9-1-1 communications service throughout the region under chapter 771 of the Health and Safety Code.

You assert, "There is the potential that some information contained in the [submitted] record[s] is received from a telecommunications service provider and not the caller[.]" You

state the information you have marked consists of the caller's identity, originating address, and telephone number. You explain this information is required to be provided to the sheriff's office by its telecommunications service provider. Therefore, based upon your representations, we find to the extent the information you have marked was furnished to the sheriff's office by a telecommunications service provider, 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, any information that was not furnished to the sheriff's office by a telecommunications service provider and is not contained in an address database maintained by the sheriff's office or a third party used in providing computerized 9-1-1 service is not confidential under section 771.061, and may not be withheld under section 552.101 on that basis. As you raise no further exceptions to disclosure, the sheriff's office must release the remaining submitted 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 495419

Enc. Submitted documents

c: Requestor  
(w/o enclosures)