



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 14, 1998

Mr. Rusty Renfroe, CLA
City Attorney's Office
City of Longview
P.O. Box 1952
Longview, Texas 75606-1952

OR98-3099

Dear Mr. Renfroe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120484.

The City of Longview (the "city") received a request for "information that will identify the source of a 911 call (address/phone number)" made after a specified traffic accident. You assert that the requested information is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code.

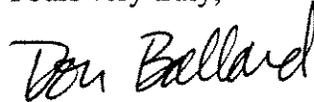
Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by statute. In Open Records Decision No. 649 (1996), which interpreted section 772.318 of the Health and Safety Code, we examined several confidentiality provisions in chapter 772 of the Health and Safety Code. To the extent that portions of the information here involve an emergency 911 district established in accordance with chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communications districts, the information may be confidential under chapter 772. Sections 772.118, 772.218 and 772.318 of the Health and Safety Code make confidential the originating telephone numbers and addresses of 911 callers furnished by a service supplier. See Open Records Decision No. 649 (1996). Section 772.118 applies to emergency communication districts for counties with a population over two million. Section 772.218 applies to emergency communication districts for counties with a population over 860,000. Section 772.318 applies to emergency communication districts for counties with a population over 20,000. Subchapter E, which applies to counties with populations over 1.5 million, does not contain a confidentiality provision regarding 911 telephone numbers and addresses. Health & Safety Code §§ 772.401, *et seq.* Thus, if the emergency communication district here is subject to

section 772.118, 772.218 or 772.318, the originating telephone number and address on the report is excepted from public disclosure based on section 552.101 as information deemed confidential by statute. If the emergency communication district here is not subject to section 772.118, 772.218 or 772.318, the information may not be withheld under section 552.101

Furthermore, you make no argument under section 552.108. Thus, we have no basis to conclude that any of the information is excepted from disclosure under this section. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Consequently, if the information at issue is protected from disclosure under section 552.101 as outlined above, the information must be withheld. All other information not falling under section 552.101 must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 120484

Enclosures: Submitted document

cc: Mr. Michael D. Gallagher
Titan Insurance Services
8200 Perrin Beitel, Suite 128
San Antonio, Texas 78265
(w/o enclosures)