



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 11, 2006

Mr. Nathan C. Barrow  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102

OR2006-04885

Dear Mr. Barrow:

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# 248749.

The City of Fort Worth (the "city") received a request for audio tapes and dispatch logs from two 9-1-1 calls made from a specified address and audio tapes, dispatch logs, and an offense report from a 9-1-1 call made by a named individual. You state that the city will release the majority of the requested information. You claim that the remaining submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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. This section encompasses information protected by other statutes, such as chapter 772 of the Health and Safety Code. Chapter 772 authorizes the development of local emergency communications districts. Section 772.218 applies only to an emergency 9-1-1 district established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). This statute makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *Id.* at 2. We understand that the city is part of an emergency communication district that was established under section 772.218. You claim that the telephone numbers and addresses that you have marked in Exhibit C are those of 9-1-1 callers whose information was furnished to the city by a service provider.<sup>1</sup>

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<sup>1</sup>While you cite to section 772.318 of the Health and Safety Code in your comments to this office, we understand you to assert that 772.218 is applicable to the information. As you acknowledge, subchapter C of chapter 772 governs counties with populations of more than 860,000. *See* Health & Safety Code § 772.204.

However, you have marked all of the telephone numbers in the submitted 9-1-1 call sheet. Upon review, it is clear that some of these telephone numbers do not belong to the actual 9-1-1 caller, but are the telephone numbers of other individuals and locations. Section 772.218 is only applicable to the originating telephone number and address of an actual 9-1-1 caller. *Id.* We cannot determine which of the telephone numbers that you have marked is the originating telephone numbers of the 9-1-1 caller. Thus, we find that the city must withhold only the originating telephone number of the actual 9-1-1 caller from public disclosure under section 552.101 in conjunction with section 772.218 of the Health and Safety Code. The remaining telephone numbers must be released.

You claim that the submitted 9-1-1 audio recording contains a license plate number subject to section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that “relates to . . . a motor vehicle operator’s or driver’s license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state.” Gov’t Code § 552.130. In accordance with section 552.130 of the Government Code, the city must withhold the Texas license plate number contained in the submitted audio recording.

In summary, the city must withhold only the originating telephone number of the 9-1-1 caller that was furnished by a service supplier under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code. In accordance with section 552.130 of the Government Code, the city must withhold the Texas license plate number contained in the audio recording. The remaining information must be released.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the

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Section 772.318 is located in subchapter D of chapter 772, which governs counties with populations of more than 20,000. *See id.* § 772.304.

statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Shelli Egger  
Assistant Attorney General  
Open Records Division

SE/er

Ref: ID# 248749

Enc. Submitted documents

c: Ms. Chyloe Brown  
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(w/o enclosures)