



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2006

Ms. Wendy E. Ogden
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2006-10586

Dear Ms. Ogden:

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# 259147.

The City of Corpus Christi (the "city") received a request for information related to a specified incident. You state that you will release some of the requested information but claim that some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

You claim that the information you have marked in Exhibit B is excepted from disclosure under section 552.101 of the Government Code. Section 552.101 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. In Open Records Decision No. 649 (1996), which interpreted

¹Although you raise section 552.108 of the Government Code in your request for a decision from this office, you make no arguments explaining why this exception should apply to the information at issue. Consequently, we find that the city has waived its claim under section 552.108. See Gov't Code §§ 552.301(e)(1)(A) (governmental body seeking to withhold information pursuant to an exception under Act must provide written comments stating reasons why stated exceptions apply that would allow information to be withheld), .302.

section 772.318 of the Health and Safety Code, we examined several confidentiality provisions in chapter 772 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communications districts. Section 772.318 of the Health and Safety Code makes confidential the originating telephone numbers and addresses of 911 callers furnished by a service supplier. *See* Open Records Decision No. 649 (1996). Section 772.318 does not provide for the confidentiality of the names of 911 callers. Thus, the city may not withhold the names you have marked under section 772.318. To the extent the remaining information that you have marked in Exhibit B consists of the originating telephone numbers and addresses of 9-1-1 callers that were furnished by a service supplier, this information is confidential under section 772.318 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code.

You have also marked a Texas license plate number in Exhibit C. Section 552.130 of the Government Code excepts from disclosure Texas motor vehicle record information. Gov't Code § 552.130. Pursuant to section 552.130, the city must withhold the Texas license plate number that you have marked.

In summary, to the extent the information you have marked in Exhibit B consists of the originating telephone numbers and addresses of 9-1-1 callers that were furnished by a service supplier, it must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The Texas license plate number that you have marked in Exhibit C must be withheld under section 552.130 of the Government Code. The remaining submitted information must be released to the requestor.

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 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,



L. Joseph James
Assistant Attorney General
Open Records Division

LJJ/dh

Ref: ID# 259147

Enc. Submitted documents

c: Mr. David A. Lopez
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P.O. Box 3954
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(w/o enclosures)