



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 15, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-09744

Dear Ms. Villarreal:

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# 353749 (LGL-09-630).

The Waco Police Department (the "department") received a request for information relating to a specified incident. You claim some of the requested information is excepted from disclosure under sections 552.101, 552.130, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

Section 552.101 of 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 exception encompasses information that other statutes make confidential. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 911 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 911 callers furnished by a service supplier confidential. *Id.* at 2. Section 772.118 applies to an emergency communication district for a county with a population of more than two million. Section 772.218 applies to an emergency communication district for a county with a population of more than 860,000. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

We understand that the City of Waco is part of an emergency communication district established under section 772.318. You seek to withhold a marked telephone number of a 911 caller under section 772.318. We conclude that the department must withhold the telephone number under section 552.101 in conjunction with section 772.318 of the Health and Safety Code if it was furnished by a 911 service supplier.

Next, you assert that some of the remaining information is subject to section 552.130 of the Government Code, which excepts from disclosure information related 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. We agree that the department must withhold the Texas motor vehicle information we have marked under section 552.130 of the Government Code.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a)-(c). The e-mail address you have marked is not of a type specifically excluded by section 552.137(c). You do not inform us that a member of the public has affirmatively consented to the release of the marked e-mail address. Therefore, unless the department receives consent to release, the department must withhold the e-mail address you have marked under section 552.137 of the Government Code.

Finally, you have marked a social security number in the remaining information under section 552.147 of the Government Code, which provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code § 552.147. We agree the department may withhold the social security number that you have marked under section 552.147 of the Government Code.¹

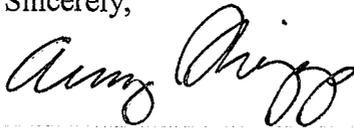
In summary, the department must withhold the 911 caller's telephone number under section 552.101 of the Government Code in conjunction with section 772.318 of the Health & Safety Code if it was furnished by a 911 service supplier. The department must withhold the Texas motor vehicle record information we have marked under section 552.130 of the Government Code. The department must withhold the e-mail address you have marked under section 552.137 of the Government Code. The department may withhold the social security number you have marked pursuant to section 552.147 of the Government Code. The remaining information must be released to the requestor.

¹We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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 at (512) 475-2497.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

Ref: ID# 353749

Enc. Submitted documents

cc: Requestor
(w/o enclosures)