



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 2, 2009

Ms. Kelley K. Messer
Assistant City Attorney
City of Abilene
P.O. Box 60
Abilene, Texas 79604-0060

OR2009-15538

Dear Ms. Messer:

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# 360124.

The City of Abilene (the "city") received a request for a specified 9-1-1 recording. You claim the submitted recording 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. This exception encompasses information protected by other statutes, such as those contained in Chapter 772 of the Health and Safety Code. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). We understand you to raise section 772.318 for the name and telephone number of the 9-1-1 caller on the submitted recording. We note that section 772.318 only makes the originating telephone numbers and addresses of 9-1-1 callers confidential. Thus, the name of the 9-1-1 caller may not be withheld on this basis. We further note that section 772.318 only applies to information furnished by a service supplier. In the instant case, the telephone number at issue was provided by the 9-1-1 caller. Upon review, we find you have failed to establish that any of the information contained on the submitted recording constitutes information

subject to section 772.318. Therefore, we find that section 772.318 is not applicable to any portion of this recording, and it may not be withheld under section 552.101 of the Government Code. As you raise no other exceptions to disclosure, the submitted information must be released.

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, toll free, at (888) 672-6787.

Sincerely,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/eb

Ref: ID# 360124

Enc. Submitted documents

c: Requestor
(w/o enclosures)