



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 10, 2010

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

OR2010-08492

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# 382288 (City of Waco Ref. Nos. LGL-10-394, LGL-10-395).

The Waco Police Department (the "department") received two requests for a specified 9-1-1 call. You state that you have released some of the requested information. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that you have not submitted the audio recording of the 9-1-1 call for our review. Further, you have not indicated that such information does not exist or that you wish to withhold any such information from disclosure. Therefore, to the extent an audio recording of the 9-1-1 call at issue existed when the request was received, we assume that you have released it to the requestors. If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (noting that if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under circumstances).

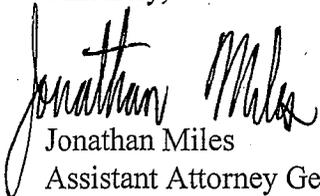
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," and encompasses information made confidential by other statutes. Gov't Code § 552.101. You have marked telephone numbers and addresses in the submitted information that you seek to withhold under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. 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). You state that the City of Waco is part of an emergency communication district that was established under section 772.318.¹ Provided that the telephone number and address you have marked consists of an originating telephone number and address furnished by a 9-1-1 service supplier, we agree that the department must withhold the telephone numbers and addresses you have marked, and the additional information we have marked, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The remaining information must be released to the requestors.

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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/jb

Ref: ID# 382288

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

¹Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.