



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 21, 2010

Ms. Mary Azam
Records Custodian
Georgetown Police Department
809 Martin Luther King, Jr. Street
Georgetown, Texas 78626

OR2010-09032

Dear Ms. Azam:

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# 383384 (GT# 184).

The Georgetown Police Department (the "department") received a request for any and all records regarding a named individual and a specified address during a certain time period. You claim that some of the submitted information 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 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 apply only to an emergency 9-1-1 district established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These statutes make confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *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.

You seek to withhold telephone numbers and addresses of 9-1-1 callers, which you have marked, under section 772.318 of the Health and Safety Code. You do not inform us, however, whether the City of Georgetown (the "city") is part of an emergency communication district established in accordance with chapter 772 of the Health and Safety Code. Likewise, you do not inform us whether the information at issue was furnished by a service supplier. Nevertheless, if the city is part of an emergency communication district established under section 772.318, and if the marked telephone numbers and addresses of the 9-1-1 callers were supplied by a 9-1-1 service supplier, the department must withhold this information under section 552.101. If the city is not part of an emergency communication district established under section 772.318, or if the telephone numbers and addresses were not furnished by a service supplier, then they may not be withheld under section 552.101 on the basis of section 772.318.

Section 552.101 also encompasses the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The types of information considered to be intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* include information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *See id.* at 683. In addition, this office has found certain kinds of medical information or information indicating disabilities or specific illnesses are excepted from required public disclosure under common-law privacy. *See* Open Records Decision Nos. 470 (1987), 455 (1987) (information pertaining to prescription drugs, specific illnesses, operations and procedures, and physical disabilities protected from disclosure). Upon review, we find some of the submitted information is highly intimate or embarrassing and not of legitimate interest to the public. Thus, the department must withhold the information we have marked under section 552.101 in conjunction with common-law privacy. However, you have failed to demonstrate how any of the remaining information you have marked as private is highly intimate or embarrassing and not of legitimate public interest. Therefore, the department may not withhold any of this information under section 552.101 on the basis of common-law privacy.

In summary, if the city is part of an emergency communication district established under section 772.318 of the Health and Safety Code, and if the marked telephone numbers and addresses of the 9-1-1 callers were supplied by a 9-1-1 service supplier, the department must withhold this information under section 552.101 of the Government Code. If the city is not part of an emergency communication district established under section 772.318, or if the telephone numbers and addresses were not furnished by a service supplier, then they may not be withheld under section 552.101 on the basis of section 772.318. The department must

withhold the information we have marked under section 552.101 in conjunction with common-law privacy. The remaining 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/tp

Ref: ID# 383384

Enc. Submitted documents

c: Requestor
(w/o enclosures)