



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 4, 2011

Mr. Tyler F. Wallach
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, Third Floor
Fort Worth, Texas 76102

OR2011-03130

Dear Mr. Wallach:

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# 415493 (PIR No. W006480).

The City of Fort Worth (the "city") received a request for information relating to a house fire at a specified address. You state some of the requested information either has been or will be released. You claim other responsive information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

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 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.

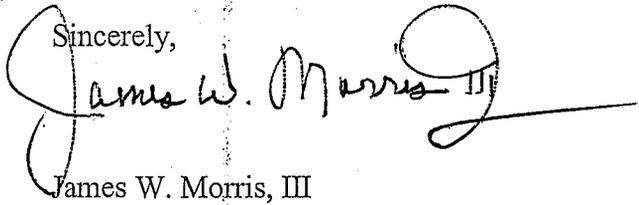
Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

We understand the city is part of a emergency communication district established under section 772.218. You have marked a 911 caller's name and telephone number to be withheld on the basis of section 772.218. You state the marked telephone number was furnished by a 911 service supplier. Based on your representations, we conclude the city must withhold the marked telephone number under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code. Because section 772.218 is applicable only to the originating telephone numbers and addresses of 911 callers, the city may not withhold the 911 caller's name under section 552.101 in conjunction with section 772.218 and must release that information. *See* ORD 649 at 2 (only originating telephone numbers and addresses gained by 911 district's use of service supplier's database are confidential). The city also must release the rest of the submitted information unless it has already done so.

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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal stroke at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 415493

Enc: Submitted documents

c: Requestor
(w/o enclosures)