



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 28, 2013

Mr. Matthew Cross
Assistant City Attorney
Office of the City Attorney
City of El Paso
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

OR2013-01582

Dear Mr. Cross:

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# 477826.

The El Paso Police Department (the "department") received a request for any 9-1-1 audio recording from or to a specified telephone number on a specified date. The department states it will release some information to the requestor. You claim 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.

Initially, we note the submitted computer aided dispatch transcript and Track 2 on the submitted disc are not responsive to the instant request because the requestor is seeking the 9-1-1 audio recordings pertaining to a specified telephone number. This ruling does not address the public availability of non-responsive information, and the department is not required to release non-responsive information in response to this request.

You seek to withhold the responsive 9-1-1 audio recording in its entirety under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. In Open Records Letter No. 2003-0708 (2003), this office issued a previous determination authorizing the department to withhold the originating telephone numbers and addresses of 9-1-1 callers furnished by a service supplier established in

accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code without requesting a decision from this office. *See Gov't Code § 552.301(a)*; Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). However, the address on the responsive 9-1-1 audio recording was provided by the caller himself. Therefore, we find no portion of the responsive information consists of the originating address or telephone number of a 9-1-1 caller furnished by a service supplier for the purposes of section 772.318. Therefore, none of the responsive information may be withheld on this basis. As you raise no further exceptions to disclosure, the responsive 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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 477826

Enc. Submitted documents

c: Requestor
(w/o enclosures)