



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 25, 2013

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

OR2013-03092

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# 479644.

The El Paso Police Department (the "department") received a request for information pertaining to a specified case. You state you have released some information to the requestor. We understand you will redact social security numbers pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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. Section 552.101 of the Government Code encompasses chapter 772 of the Health and Safety Code which 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 9-1-1 districts established in accordance with chapter 772. See Open Records Decision No. 649 (1996). These sections make the originating telephone

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<sup>1</sup>We note the Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting an attorney general decision under the Act. See Gov't Code § 552.147(b).

numbers and addresses of 9-1-1 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 of El Paso is part of an emergency communication district established under section 772.318. You state the telephone number and address you have marked in the submitted event report are the originating telephone number and address of a 9-1-1 caller. You further state the telephone number and address you have marked were furnished by a service supplier. Accordingly, we find the department must withhold the telephone number and address you have marked in the submitted event report under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, we note the telephone number contained on the submitted audio recording was provided by the victim in the incident at issue, not a service supplier established in accordance with chapter 772. Accordingly, the department may not withhold any portion of the submitted audio recording under section 552.101 in conjunction with section 772.318.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(2). Upon review, we find the department must withhold the motor vehicle record information you have marked and the additional information we have marked in the submitted documents and indicated in the submitted audio recording under section 552.130 of the Government Code.

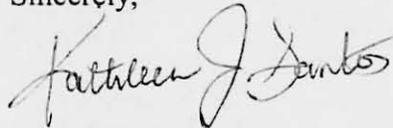
In summary, the department must withhold the telephone number and address you have marked in the submitted event report under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department must withhold the motor vehicle record information you have marked and the additional information we have marked in the submitted documents and indicated on the submitted audio recording under section 552.130. 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](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 cursive script that reads "Kathleen J. Santos". The signature is written in black ink and is positioned above the typed name.

Kathleen J. Santos  
Assistant Attorney General  
Open Records Division

KJS/dls

Ref: ID# 479644

Enc. Submitted documents

c: Requestor  
(w/o enclosures)