



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 1, 2013

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

OR2013-03504

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# 480044.

The El Paso Police Department (the "department") received a request for the audio recording of a witness pertaining to a specified incident. You state the department has released a redacted copy of the (CAD) 9-1-1 transcript. You claim 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 you have marked for redaction the telephone numbers and addresses of 9-1-1 callers in the submitted event reports. 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). You inform us the marked telephone numbers and address in the submitted event reports are the originating telephone numbers and address of 9-1-1 callers furnished by a service supplier established

in accordance with chapter 772. As such, the department must withhold the telephone numbers and address you have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determination issued to the department in Open Records Letter No. 2003-0708.

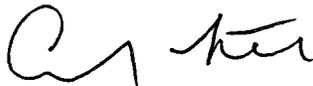
Although you also seek to withhold the submitted 9-1-1 audio recordings under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, we note the telephone numbers and addresses contained within the responsive audio recordings were provided directly by the 9-1-1 callers at issue. Thus, we find you have failed to demonstrate how any portion of the submitted audio recordings consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier so as to be subject to chapter 772 of the Health and Safety Code. Accordingly, no portion of the submitted audio recordings may be withheld under section 552.101 in conjunction with section 772.138 of the Health and Safety Code.

In summary, the department must withhold the telephone numbers and address it has marked in the submitted event reports under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code in accordance with the previous determination issued to the department in Open Records Letter No. 2003-0708. The remaining submitted 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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 480044

Enc. Submitted documents

c: Requestor  
(w/o enclosures)