



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 26, 2013

Ms. M. Ann Montgomery-Moran
Assistant Ellis County and District Attorney
Ellis County and District Attorney's Office
109 South Jackson
Waxahachie, Texas 75165

OR2013-04897

Dear Ms. Montgomery-Moran:

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# 482127.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to child custody calls made by the requestor from a specified telephone number which involve a named individual during specified time periods. You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note some of the submitted information pertains to calls other than child custody calls. Therefore, this information, which we have marked, is not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the sheriff's office need not release such information in response to this request. Accordingly, we need not address your arguments against disclosure under section 552.108 or section 552.147 of the Government Code.

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 section encompasses information protected by other statutes, such as section 771.061 of the Health and Safety Code, which makes confidential "[i]nformation that

a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service” and “[i]nformation that is contained in an address database maintained by a governmental entity or a third party used in providing computerized 9-1-1 service[.]” Health & Safety Code § 771.061(a).

You state the information pertaining to a 9-1-1 caller you have marked is confidential under section 771.061. You explain Ellis County is a member of the Regional Planning Commission as set up through the North Central Texas Council of Governments, which establishes and operates 9-1-1 service to the region under chapter 771 of the Health and Safety Code. You further state the marked information, which consists of caller identity, originating address, and originating telephone number, is information that “a service provider of telecommunications service is required to furnish to a governmental entity in providing computerized 9-1-1 service[.]” Based on your representations and our review, we conclude the sheriff’s office must withhold the information you have marked under section 552.101 in conjunction with section 771.061, to the extent such information was required to be furnished to the sheriff’s office by a telecommunications service provider or is contained in an address database used in providing computerized 9-1-1 service. *See* Open Records Decision No. 661 at 1-2 (1999).

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s or driver’s license or permit issued by an agency of Texas or another state or country is excepted from public release. Gov’t Code § 552.130(a)(1). We note, however, the requestor has a right of access to his own driver’s license number under section 552.023 of the Government Code. *See id.* § 552.023(a) (person or person’s authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person’s privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Therefore, the sheriff’s office may not withhold the requestor’s driver’s license number you have marked under section 552.130. However, we note the remaining responsive information includes a driver’s license number of an individual other than the requestor. As such, the sheriff’s office must withhold this information, which we have marked, under section 552.130.

In summary, the sheriff’s office must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 771.061 of the Health and Safety Code, to the extent such information was required to be furnished to the sheriff’s office by a telecommunications service provider or is contained in an address database used in providing computerized 9-1-1 service. The sheriff’s office must withhold the driver’s license number we have marked that pertains to an individual other than the requestor under

section 552.130 of the Government Code. The sheriff's office must release the remaining responsive information.¹

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 482127

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As previously discussed, the information being released contains the requestor's driver's license number, to which the requestor has a right of access under section 552.023 of the Government Code. See Gov't Code § 552.023(a); ORD 481. Section 552.130(c) of the Government Code authorizes a governmental body to redact information protected by section 552.130(a)(1) without the necessity of requesting a decision under the Act. Gov't Code § 552.130(c); see also *id.* § 552.130(d)-(e) (requestor may appeal governmental body's decision to withhold information under section 552.130(c) to attorney general and governmental body withholding information pursuant to section 552.130(c) must provide certain notice to requestor). Thus, if the sheriff's office receives another request for this same information from a person who does not have such a right of access, section 552.130(c) authorizes the sheriff's office to redact the requestor's driver's license information.

