



February 4, 2015

Ms. Rebecca R. Walton
County Attorney
Hardin County
P.O. Box 516
Kountze, Texas 77625

OR2015-02236

Dear Ms. Walton:

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# 552611.

The Hardin County Sheriff's Office (the "sheriff's office") received a request for the 911 call recording pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception 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 encompasses information made confidential by other statutes, such as 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 numbers and addresses of 9-1-1 callers furnished by a service supplier confidential. *Id.* at 2. Section 772.318 applies to an

¹Although you do not cite to section 552.101 of the Government Code in your brief, we understand you to raise this exception based on your argument.

emergency communication district for a county with a population of more than 20,000. Health & Safety Code § 772.304.

You indicate Hardin County is part of an emergency communication district that is subject to section 772.318 of the Health and Safety Code. You state the telephone number and address of the caller in the 911 recording is confidential. We note, however, the telephone number and address on the audio recording was provided by the caller herself. Thus, this information was not provided by a 9-1-1 service provider. Consequently, you have failed to demonstrate the applicability of section 772.318 to the information on the audio recording, and this information may not be withheld under section 552.101 of the Government Code on that basis. As you raise no further arguments against disclosure, the sheriff's office must release the submitted information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Daniel Olds
Assistant Attorney General
Open Records Division

DO/akg

Ref: ID# 552611

Enc. Submitted documents

c: Requestor
(w/o enclosures)