



February 18, 2015

Ms. Mary Ann Powell
Counsel for the City of Stafford
Olson & Olson, LLP
Wortham Tower
2727 Allen Parkway, Suite 600
Houston, Texas 77019-2133

OR2015-03202

Dear Ms. Powell:

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# 556989 (Ref: COS14-104).

The Stafford Police Department (the "department"), which you represent, received a request for recorded 9-1-1 calls made in reference to a specified event number. The department claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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. This section 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 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. However, sections 772.118, 772.218, and 772.318 are not applicable to information furnished by a 9-1-1 caller. *Id.* at 2; *see* ORD 649 at 3 (language of confidentiality provision controls scope of its protection). 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 you to assert the submitted information, which consists of audio recordings of 9-1-1 calls, contains the origination addresses and telephone numbers of 9-1-1 callers that are confidential under section 772.118, 772.218, or 772.318. However, the information you seek to withhold was provided by the 9-1-1 callers themselves, and not by a service provider. Accordingly, the department has not established any of the submitted information is confidential under section 772.118, 772.218, or 772.318 of the Health and Safety Code, and may not withhold it under section 552.101 of the Government Code on any of those grounds. Therefore, the department 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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 556989

Enc. Submitted documents

c: Requestor
(w/o enclosures)