



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 27, 2015

Mr. Richard B. Dutton
Assistant County Attorney
Hardin County
P.O. Box 516
Kountze, Texas 77625

OR2015-10203

Dear Mr. Dutton:

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# 565732.

The Hardin County Sheriff's Office (the "sheriff's office") received a request for the call sheets for all incidents pertaining a specified address involving a named individual during a specified period of time. The sheriff's office claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the sheriff's office claims 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 information protected by other statutes, such as chapter 772 of the Health and Safety Code. Chapter 772 authorizes the development of local emergency communications districts. Section 772.318 of the Health and Safety Code is applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). This section makes the originating telephone numbers and addresses of 9-1-1 callers furnished by a 9-1-1 service supplier confidential. *Id.* at 2. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. We understand Hardin County is part of an emergency communication district established under section 772.318. We note the submitted information contains information pertaining to 9-1-1 calls and includes telephone numbers

and addresses of 9-1-1 callers. The sheriff's office does not indicate, however, whether that information was furnished by a 9-1-1 service supplier. Therefore, we will rule conditionally. To the extent the information we have marked consist of the originating telephone numbers and addresses of 9-1-1 callers that were furnished by a 9-1-1 service supplier, this information is confidential under section 772.318 of the Health and Safety Code and the sheriff's office must withhold it under section 552.101 of the Government Code. If this information does not consist of the originating telephone numbers and addresses of 9-1-1 callers provided by a 9-1-1 service supplier, then the sheriff's office may not withhold the marked information under section 552.101 in conjunction with section 772.318. However, we find the sheriff's office has failed to demonstrate any of the remaining information consists of the originating telephone number or address of a 9-1-1 caller, and the sheriff's office may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. See Open Records Decision No. 455 (1987). Upon review, we find the information we have marked satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, the sheriff's office must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, to the extent the information we have marked consist of the originating telephone numbers and addresses of 9-1-1 callers that were furnished by a 9-1-1 service supplier, the sheriff's office must withhold it under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The sheriff's office must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The sheriff's office must release the remaining 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 565732

Enc. Submitted documents

c: Requestor
(w/o enclosures)