



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 27, 2015

Ms. Julie Fort
Counsel for the Town of Addison
Messer, Rockefeller & Fort, P.L.L.C.
6351 Preston Road, Suite 350
Frisco, Texas 75034

OR2015-10242

Dear Ms. Martin:

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# 563377.

The Addison Police Department (the "department"), which you represent, received a request for certain information pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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 of the Government Code encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier. *See* Open Records Decision No. 649 (1996). We understand the Town of Addison is part of an emergency communication district established under section 772.318. This section makes only the originating telephone numbers and

addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier confidential. *Id.* at 2. Thus, to the extent the information at issue consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier, the department must withhold that telephone number and address under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, to the extent the information at issue does not consist of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier, the department may not withhold the information at issue under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. Further, we find no portion of the remaining information at issue consists of the originating telephone number or address of a 9-1-1 caller and it may not be withheld under section 552.101 on that basis.

Section 552.130 of the Government Code provides information relating to a motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public disclosure. Gov't Code § 552.130(a)(2). You state, and we agree, one of the submitted video recordings contains motor vehicle record information subject to section 552.130. You also state the department lacks the technological capability to redact the motor vehicle record information from this recording. Based on this representation, we conclude the department must withhold the video recording we have indicated in its entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). Further, the department must withhold the motor vehicle record information we have marked in the submitted incident history detail report under section 552.130. However, upon review, we find none of the remaining video and audio recordings contain motor vehicle record information. Therefore, the department may not withhold any of the remaining video and audio recordings under section 552.130 of the Government Code.

In summary, to the extent the information at issue consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier, the department must withhold that telephone number and address under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department must withhold the video recording we have indicated in its entirety, as well as the information we have marked in the submitted incident history detail report, under section 552.130 of the Government Code. The remaining 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.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,

A handwritten signature in cursive script that reads "Britni Fabian".

Britni Fabian
Assistant Attorney General
Open Records Division

BF/bhf

Ref: ID# 563377

Enc. Submitted documents

c: Requestor
(w/o enclosures)