



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 2, 2015

Mr. Mark D. Kennedy  
General Counsel  
Hays County  
111 East San Antonio Street, Suite 202  
San Marcos, Texas 78666

OR2015-18362

Dear Mr. Kennedy:

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# 577986.

Hays County (the "county") received a request for the following six categories of information related to recent flooding: (1) the names of those in the county who signed up for emergency alerts, (2) the number of landlines that received reverse 9-1-1 calls, (3) the number of cellular telephones that received notifications, (4) a time-line and content of all alerts sent, (5) a time-line of 9-1-1 calls received by dispatchers and the number of calls responded to, and (6) a specified 9-1-1 call. You state the county has released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup>

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<sup>1</sup>We note the county failed to comply with section 552.301 of the Government Code in requesting a ruling; however, section 552.101 of the Government Code is a mandatory exception that constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the county's arguments under section 552.101.

<sup>2</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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 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 seek to withhold the addresses and telephone numbers in the 9-1-1 database. You explain the information at issue was “collected and maintained for the provision of 9-1-1 service” and was obtained from a third-party telecommunications service provider. Based on your representations and our review, we conclude the addresses and telephone numbers in the 9-1-1 database are confidential under section 771.061 of the Health and Safety Code and must be withheld under section 552.101 of the Government Code.<sup>3</sup> *See also* Open Records Decision No. 661 at 1-2 (1999). As you raise no exception to disclosure of the remaining information, the county must release it.

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](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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

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<sup>3</sup>As we make this determination, we do not address your remaining arguments for this information.

Ref: ID# 577986

Enc. Submitted documents

c: Requestor  
(w/o enclosures)