



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

October 19, 2016

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

OR2016-23525

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# 631027.

The Hardin County Sheriff's Office (the "sheriff's office") received a request for all audio recordings and transcripts of 9-1-1 calls during a specified time period. 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 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. 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 Hardin County is part of an emergency communication

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<sup>1</sup>Although you do not explicitly raise section 552.101 of the Government Code, we understand you to raise this exception based on the substance of your argument.

district that is subject to section 772.318 of the Health and Safety Code. However, we are unable to determine if the telephone numbers of the 9-1-1 callers at issue were furnished by a 9-1-1 service supplier. Thus, we must rule conditionally. If the telephone numbers of the 9-1-1 callers at issue were furnished by a 9-1-1 service supplier, then the sheriff's office must withhold the telephone numbers of the callers at issue under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. Conversely, if the telephone numbers of the 9-1-1 callers at issue were not furnished by a 9-1-1 service supplier, then the sheriff's office may not withhold the telephone numbers under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.<sup>2</sup> See Gov't Code § 552.130. Accordingly, the sheriff's office must withhold the motor vehicle record information we have marked, as well as the audible license plate numbers in the submitted audio recording, under section 552.130 of the Government Code.

In summary, if the telephone numbers of the 9-1-1 callers at issue were furnished by a 9-1-1 service supplier, the sheriff's office must withhold the telephone numbers under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. If the telephone numbers of the 9-1-1 callers at issue were not furnished by a 9-1-1 service supplier, then the sheriff's office may not withhold the telephone numbers 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 motor vehicle record information we marked, as well as the audible license plate numbers in the submitted audio recording, under section 552.130 of the Government Code. The remaining information must be released to the requestor.

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

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 black ink, appearing to read 'K Hillis', written in a cursive style.

Kieran Hillis  
Assistant Attorney General  
Open Records Division

KH/akg

Ref: ID# 631027

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

