



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 31, 2017

Lieutenant Ricardo Gonzales
City of Laredo Police Department
4712 Maher Avenue
Laredo, Texas 78041

OR2017-02118

Dear Lt. Gonzales:

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# 643572.

The Laredo Police Department (the "department") received a request for a specified police report. The department released information responsive to the request but made redactions as permitted by section 552.136 of the Government Code without requesting a decision from this office. *See* Gov't Code § 552.136(c). Pursuant to section 552.136(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.136(b) of the Government Code. You also claim some of the information you redacted is excepted from disclosure by section 552.101 of the Government Code. We have considered the department's position and reviewed the information at issue.

Initially, we note you have redacted certain telephone numbers and addresses of individuals who called 9-1-1. You do not assert, nor does a review of our records indicate, the department is authorized to withhold such information without seeking a ruling from this office. *See id.* § 552.301; Open Records Decision No. 673 (2001). Accordingly, the department was required to seek a ruling to withhold that information, and it did not meet the procedural deadlines under section 552.301(b) of the Government Code. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.101 of the Government Code makes

information confidential, and thus, provides a compelling reason to withhold information from disclosure, we will consider the applicability of that exception to the information at issue. *See id.* § 552.302.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 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 of the Health and Safety Code apply only to an emergency 9-1-1 district established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These statutes make confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *Id.* at 2. We understand the City of Laredo (the “city”) is part of an emergency communication district subject to section 772.318 of the Health and Safety Code. You state the telephone numbers you have marked were provided to the city by a 9-1-1 service supplier. Therefore, the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.


Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). Section 552.136(a) defines “access device” as “a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to . . . obtain money, goods, services, or another thing of value [or] initiate a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). You have marked personal identification numbers, which you state “would provide access to secured database information.” Upon review, we find you have not demonstrated the information you marked consists of access device numbers for purposes of section 552.136. Accordingly, the department may not withhold the information you marked under section 552.136 of the Government Code on that basis.

In summary, the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department 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,

A handwritten signature in black ink, appearing to read 'J. Behnke', written over a horizontal line.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 643572

Enc. Submitted documents

c: Requestor
(w/o enclosures)