



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 7, 2017

Mr. John Saenz
Crime Records Office
McAllen Police Department
P.O. Box 220
McAllen, Texas 78505

OR2017-07365

Dear Mr. Saenz:

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# 652444.

The McAllen Police Department (the "department") received a request for thirteen categories of information pertaining to a specified case and a named individual. You state you have released some information to the requestor. We understand you will redact some information under section 552.108(a)(1) of the Government Code pursuant to the previous determination issued in Open Records Letter No. 2016-12820 (2016).¹ You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. 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 thus encompasses information made confidential by other statutes. You contend portions of the submitted audio recording are excepted from disclosure under section 552.101 in conjunction with section 772.318(c) of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communication districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers

¹Open Records Letter No. 2016-12820 authorizes the department to withhold certain information under section 552.108(a)(1) of the Government Code without the necessity of requesting an attorney general's decision.

and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996).

You state that the City of McAllen is within an emergency communication district that was established under section 772.318.² You state the submitted audio recording contains the originating telephone number of a 9-1-1 caller, which is confidential. Upon review, however, we note the telephone number contained in the submitted audio recording was provided directly by the 9-1-1 caller at issue. Thus, we find no portion of the submitted audio recording consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier. Accordingly, no portion of the submitted audio recording may be withheld under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. As you raise no other exceptions to disclosure, the department must release the submitted 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/bw

Ref: ID# 652444

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.