



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 3, 2017

Ms. Gail Schubot
Counsel for the Cy-Fair Volunteer Fire Department
The Schubot Law Firm, PC
13201 Southwest Freeway, Suite 800
Houston, Texas 77040

OR2017-09464

Dear Ms. Schubot:

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# 655912.

The Cy-Fair Volunteer Fire Department (the "department"), which you represent, received a request for information pertaining to a specified incident. You state you are releasing some information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. You also state you notified a named individual of the request for information and of the right to submit arguments to this office as to why the submitted information should not be released.¹ See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). 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." *Id.* § 552.101. This section encompasses information subject to chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts.

¹As of the date of this letter, we have not received comments from the named individual explaining why the submitted information should not be released.

Section 772.118 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 3.3 million and makes confidential the originating telephone numbers and addresses of 9-1-1 callers provided by a service supplier. *See* Health & Safety Code §§ 772.104, .118; *see also* Open Records Decision No. 649 (1996). You have marked and indicated the telephone numbers and addresses of 9-1-1 callers you seek to withhold. The department is in Harris County, which we understand has a population over 3.3 million, and you inform us the department is part of an emergency communication district established under chapter 772. Therefore, we conclude if the telephone numbers and addresses we have marked and indicated were furnished by a 9-1-1 service supplier, then the department must withhold this information under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code. However, if this information was not provided by a 9-1-1 service supplier, it may not be withheld under section 552.101 in conjunction with section 772.118. Further, we find the remaining information at issue was provided directly by the 9-1-1 caller at issue. Thus, we find no portion of the remaining 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. Accordingly, no portion of the remaining information at issue may be withheld under section 552.101 in conjunction with section 772.118 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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 655912

Enc. Submitted documents

c: Requestor
(w/o enclosures)