



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 23, 2017

Ms. Jennifer Gonzales
Assistant District Attorney - Civil Division
Hays County
712 South Stagecoach Trail, Suite 2057
San Marcos, Texas 78666

OR2017-11236

Dear Ms. 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# 658994 (Ref. No. 17-0215).

The Hays County Criminal District Attorney's Office (the "district attorney's office") received a request for specified 9-1-1 dispatch call logs. You claim 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 representative sample of information.¹

Section 552.101 of the Government Code excepts from public 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*

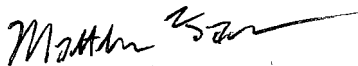
¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

No. 649 (1996). You state Hays County is part of an emergency communication 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 district attorney'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 district attorney'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 and they must be released. In either instance, the district attorney's office must release the remaining information.

You ask this office to issue a previous determination permitting the district attorney's office to withhold the originating telephone numbers and addresses of 9-1-1 callers furnished to the district attorney's office by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, without seeking a ruling from this office. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,



Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/bw

Ref: ID# 658994

Enc. Submitted documents

c: Requestor
(w/o enclosures)