



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 29, 2017

Mr. John Saenz  
Crime Records Office  
McAllen Police Department  
P.O. Box 220  
McAllen, Texas 78501

OR2017-14548

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# 664051.

The McAllen Police Department (the "department") received a request for thirteen categories of information related to a specified incident. You state you have released the CR-3 crash report to the requestor pursuant to section 550.065(c) of the Transportation Code. *See* Transp. Code § 550.065(c) (providing for release of accident report to person or entity listed under this subsection). You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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 a portion of the submitted audio recording is 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 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.<sup>1</sup> 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.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the submitted video recordings contain information subject to section 552.130. We note the audio portions of the video recordings are intertwined with the video portions of the recordings. You state the department does not have the technological capability to redact the motor vehicle record information from the video recordings at issue. Accordingly, the department must withhold the submitted video recordings in their entireties under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the department must withhold the submitted video recordings in their entireties under section 552.130 of the Government 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](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>1</sup>Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

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 be 'KM' with a long horizontal stroke extending to the right.

Kelly McWethy  
Assistant Attorney General  
Open Records Division

KSM/sb

Ref: ID# 664051

Enc. Submitted documents

c: Requestor  
(w/o enclosures)