



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 11, 2017

Ms. Dawn Brackett  
Counsel for the Town of Addison  
Messer Rockefeller Fort  
6371 Preston Road, Suite 200  
Frisco, Texas 75034

OR2017-18258

Dear Ms. Brackett:

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# 670627.

The Town of Addison (the "town"), which you represent, received two requests from the same requestor for specified recordings. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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. You state the town does not have the technological capability to redact the motor vehicle record information from the video recordings at issue. Accordingly, the city must withhold the submitted video recordings in their entireties under section 552.130 of the Government Code.<sup>1</sup> *See* Open Records Decision No. 364 (1983).

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<sup>1</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure of this 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 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. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 9-1-1 callers furnished by a service supplier confidential. *Id.* at 2. Section 772.118 applies to an emergency communication district for a county with a population of more than two million.

The town is in Dallas County, which we understand has a population of over 2 million, and you indicate the town is part of an emergency communication district that is subject to section 772.118 of the Health and Safety Code. You state the submitted audio recording contains an originating phone number, which is confidential, and the town lacks the technological capacity to redact the information. Upon review, however, we note the phone 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 772.118 of the Health and Safety Code.

Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov’t Code §552.137(a)-(c). Upon review, we find you have failed to demonstrate the applicability of section 552.137 to any of the remaining information, and the town may not withhold any of the remaining information on the basis of section 552.137 of the Government Code.

In summary, the town must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. The town 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

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 'Jahna Ward', with a stylized flourish at the end.

Jahna Ward  
Attorney  
Open Records Division

JW/tdw

Ref: ID# 670627

Enc. Submitted documents

c: Requestor  
(w/o enclosures)