



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 14, 2017

Mr. James Kopp  
Assistant City Attorney  
Office of the City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR2017-25998

Dear Mr. Kopp:

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# 684197 (COSA File No. W174602).

The City of San Antonio (the "city") received a request for information related to a specified incident. The city states it has released the CR-3 crash report 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). We also understand the city released additional information, but made redactions as permitted by sections 552.130(c) and 552.136(c) of the Government Code, and dates of birth pursuant to Open Records Letter No. 2016-08566 (2016), without requesting a decision from this office.<sup>1</sup> Pursuant to sections 552.130(d) and 552.136(d), the requestor has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under sections 552.130(d) and 552.136(b) of the Government Code. The city also claims some of the information at issue is excepted from disclosure under section 552.101 of the Government Code. We have considered the city's position and reviewed the information.

You state the city redacted information it asserts is subject to section 552.101 of the Government Code. You acknowledge the city is not authorized to withhold such information

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<sup>1</sup>Open Records Letter No. 2016-08566 is a previous determination authorizing the city to withhold private citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a decision from this office.

without seeking a ruling from this office. *See id.* § 552.301; Open Records Decision No. 673 (2001). Accordingly, the city was required to seek a ruling to withhold that information, and it did not meet the procedural deadlines under section 552.301(b) of the Government Code in asking this office for a ruling on that information. *See Gov't Code* § 552.301(b). Nonetheless, because section 552.101 of the Government Code can provide a compelling reason to withhold that information from disclosure, we will consider the applicability of this exception to that information. *See id.* § 552.302.

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. Section 552.101 of the Government Code encompasses 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 3.3 million. Section 772.218 applies to an emergency communication district for a county with a population of more than 1.5 million. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

You state the city is part of an emergency communication district established under section 772.218 of the Health and Safety Code. Upon review, we conclude the city must withhold the telephone numbers we have marked under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code if the numbers consist of originating telephone numbers furnished by a 9-1-1 service supplier. If the marked information does not consist of the originating telephone numbers provided by a 9-1-1 service supplier, it may not be withheld under section 552.101 in conjunction with section 772.218. Furthermore, upon review, we find the city has not demonstrated any of the remaining information contains any information relating to a 9-1-1 caller that was furnished by a service supplier. We therefore conclude the city may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code.

Section 552.130 of the Government Code excepts from disclosure 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 this state or another state or country. *Gov't Code* § 552.130(a). Accordingly, the city must withhold the information you have marked in green, as well as the discernible license plate numbers in the submitted video recordings, under section 552.130 of the Government Code.

Section 552.136 of the Government Code provides, “Notwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136(b);

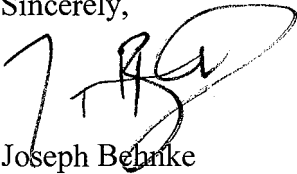
*see id.* § 552.136(a) (defining “access device”). We understand the employee identification numbers you redacted consist of unique identifiers that can be used by employees of the city to obtain things of value. Accordingly, the city must continue to withhold the employee identification numbers you have marked in yellow under section 552.136 of the Government Code.

In summary, the city must withhold the telephone numbers we have marked under section 552.101 of the Government Code in conjunction with section 772.218 of the Health and Safety Code if the numbers consist of originating telephone numbers furnished by a 9-1-1 service supplier. The city must withhold the information you have marked in green, as well as the discernible license plate numbers in the submitted video recordings, under section 552.130 of the Government Code. The city must continue withhold the employee identification numbers you have marked in yellow under section 552.136 of the Government Code. The city must release the remaining information if it has not already done so.

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,



Joseph Behrke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 684197

Enc. Submitted documents

c: Requestor  
(w/o enclosures)