



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 14, 2019

Mr. Lance Kennedy  
Counsel for City of Murphy  
Messer, Rockefeller & Fort, P. L. L. C.  
6371 Preston Road, Suite 200  
Frisco, Texas 75034

OR2019-07179

Dear Mr. Kennedy:

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# 754640 (ORR# W003493-121818).

The City of Murphy (the "city"), which you represent, received a request for information pertaining to a specified incident. You state the city has released some information. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.108 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 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 772.520 of the Health and Safety Code applies to a regional emergency communication district for a state planning region with a population of more than 1.5 million 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 No. 649 (1996). You explain the city, which is located in Collin County, is part of the North Central Texas Council of Governments 9-1-1 Program, which is a regional planning commission. See Health & Safety Code § 772.502 (defining "regional planning commission" for purposes of chapter 772 of the Health and Safety Code). Upon review, the city must withhold the telephone number you marked under section 552.101 of the Government Code in conjunction with section 772.520 of the Health and Safety Code if it consists of the originating telephone number of a 9-1-1 caller furnished by a 9-1-1 service supplier. If the marked information does not consist of the originating telephone number of a 9-1-1 caller provided by a 9-1-1 service supplier, it may not be withheld under section 552.101 in conjunction with section 772.520.

Section 552.101 of the Government Code also encompasses information protected by other statutes, such as section 826.0311 of the Health and Safety Code, which states in relevant part:

(a) Information that is contained in a municipal or county registry of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

Health & Safety Code § 826.0311(a), (b). Section 826.0311 applies only to the actual pet registry; it does not apply to the contents of other records, even though those documents may contain the same information as the pet registry. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987).

The city indicates the information you marked is obtained directly from the city's pet registry. It does not appear the exceptions found in section 826.0311(b) of the Health and Safety Code apply in this instance. Based on the city's representation that the information at issue was obtained directly from the city's pet registry, we find the information we have marked consists of personally identifying information of the owners of registered animals. Therefore, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, we find the remaining submitted information does not consist of personally identifying information of pet owners for purposes of section 826.0311 and the city may not withhold the remaining information under section 552.101 on that basis.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply

to information requested). You state the information at issue pertains to a concluded investigation that did not result in conviction or deferred adjudication. Based on your representation and our review, we conclude the city may withhold the information you marked under section 552.108(a)(2) of the Government Code.

In summary, the city must withhold the telephone number you marked under section 552.101 of the Government Code in conjunction with section 772.520 of the Health and Safety Code if it consists of the originating telephone number of a 9-1-1 caller furnished by a 9-1-1 service supplier. The city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. The city may withhold the information you marked under section 552.108(a)(2) of the Government Code. The city 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,



Kelly McWethy  
Assistant Attorney General  
Open Records Division

KSM/gw

Ref: ID# 754640

Enc. Submitted documents

c: Requestor  
(w/o enclosures)