



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 20, 2019

Lieutenant William Ryan  
Pharr Police Department  
1900 South Cage  
Pharr, Texas 78577

OR2019-13342

Dear Lt. Ryan:

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# 766143 (Ref. # P000737-030119).

The Pharr Police Department (the "department") received a request for the names and cellular telephone numbers of 9-1-1 callers for a specified case. 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 information.

Initially, we note you have not submitted the requested names. Thus, to the extent such information existed and was maintained by the department on the date the department received the request for information, we presume the department has released it. If not, the department must do so at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

Next, we note the request seeks only names and cellular telephone numbers of 9-1-1 callers. Thus, the information you have submitted beyond the requested information is not responsive. This ruling does not address the public availability of any information that is not responsive to the request, and the department need not release such information in response to this request.

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. This section encompasses information protected by other statutes, such as

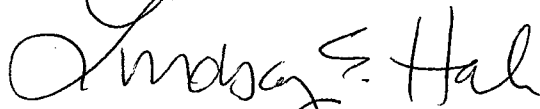
chapter 772 of the Health and Safety Code. Chapter 772 authorizes the development of local emergency communications districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 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; and section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

You do not state the City of Pharr is part of an emergency communication district established under chapter 772 or whether the responsive telephone number was furnished by a 9-1-1 service supplier. Thus, we rule conditionally. To the extent the responsive telephone number was furnished by a 9-1-1 service supplier to an emergency communication district that is subject to section 772.118, 772.218, or 772.318 of the Health and Safety Code, the responsive telephone number must be withheld from disclosure under section 552.101. However, if the responsive telephone number was not furnished by a 9-1-1 service supplier to an emergency communication district subject to section 772.118, 772.218, or 772.318, we find you have failed to demonstrate the applicability of these sections to the responsive information. In that instance, as you raise no further exceptions to disclosure, the responsive telephone number must be released.

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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/be

Ref: ID# 766143

Enc. Submitted documents

c: Requestor  
(w/o enclosures)