



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 18, 2019

Mr. Eric C. Farrar
Counsel for the City of Dickinson
Olson & Olson, L.L.P.
2727 Allen Parkway, Suite 600
Houston, Texas 77019-2133

OR2019-19686

Dear Mr. Farrar:

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# 775869 (Reference Nos. COD19-019 and 19-020).

The City of Dickinson (the "city"), which you represent, received two requests from the same requestor for specified 9-1-1 calls. 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 the submitted video recording is not responsive to the instant requests because it is not a 9-1-1 call recording. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to these requests.¹

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 sections 772.118, 772.218, and 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication districts. Sections 772.118, 772.218, and 772.318 are applicable to emergency 9-1-1 districts established in accordance with chapter

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

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 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 represent the city is part of an emergency communication district established under chapter 772 of the Health and Safety Code. Upon review, we find you have not established any of the remaining responsive information consists of the originating telephone number or address of a 9-1-1 caller that was furnished by a service supplier. Accordingly, the city has failed to demonstrate any of the remaining responsive information is confidential under section or 772.318 of the Health and Safety Code. As a result, none of the remaining responsive information may be withheld under section 552.101 of the Government Code on that ground. The city must release the responsive 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, 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# 775869

Enc. Submitted documents

c: Requestor
(w/o enclosures)