



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 12, 2019

Mr. Alexander Garcia
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2019-35197

Dear Mr. Garcia:

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# 800797 (ID No. RBon2).

The Corpus Christi Police Department (the "department") received a request for information pertaining to a specified incident. You state the department released information to the requestor, but made redactions as permitted by section 552.130(c) of the Government Code without requesting a decision from this office. We note the department also redacted dates of birth pursuant to Open Records Letter No. 2016-00831 (2016).¹ Pursuant to section 552.130(d), the requestor has asked this office to review the information redacted by the department and render a decision as to whether it is excepted from disclosure under section 552.130 of the Government Code. We have considered the department's position and reviewed the 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. This section encompasses chapter 772 of the Health and Safety Code,

¹ Open Records Letter No. 2016-00831 authorizes the department to withhold public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting an attorney general decision. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

which authorizes the development of local emergency communication districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 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). We note the City of Corpus Christi is part of an emergency communication district that is subject to section 772.318 of the Health and Safety Code.

The department indicates it withheld telephone numbers pursuant to the previous determination issued in Open Records Letter No. 2011-16393 (2011).¹ The department must withhold the telephone numbers and addresses we marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, we note the remaining telephone numbers at issue were provided directly by the 9-1-1 callers at issue and, thus, do not consist of an originating telephone number of a 9-1-1 caller that was furnished by a 9-1-1 service supplier. Accordingly, the department may not withhold the remaining information at issue under section 552.101 in conjunction with section 772.318 of the Health and Safety Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to his client's motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, the department must continue to withhold the motor vehicle record information it previously redacted under section 552.130 of the Government Code.

In summary, the department must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department must continue to withhold the information previously redacted under section 552.130 of the Government Code. The department 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.

¹Open Records Letter No. 2011-16393 is a previous determination authorizing the department to withhold, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, the originating telephone numbers and addresses of 9-1-1 callers furnished to the department by a 9-1-1 service supplier established in accordance with chapter 772 of the Health and Safety Code. *See* ORD 673.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/mo

Ref: ID# 800797

Enc. Submitted documents

c: Requestor
(w/o enclosures)