



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 17, 2020

Mr. Joe R. Zapata
Administrative Supervisor
City of Houston
1200 Travis Street, 10th Floor
Houston, Texas 77002-6000

OR2020-01679

Dear Mr. Zapata:

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# 806967 (ORU No. 19-11802).

The Houston Emergency Center (the "center") received a request for a specified 9-1-1 call and related call slips. 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, you state some of the submitted information, which you indicated, is not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the center is not required to release such information in response to this request.

Next, we note you have not submitted call slip P109717519-U for our review. Thus, to the extent call slip P109717519-U existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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 the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which

would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate or embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate and embarrassing. See Open Records Decision No. 455 (1987). Upon review, we find some of the responsive information satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, the center must withhold the information we marked and indicated under section 552.101 of the Government Code in conjunction with common-law privacy. However, the center has failed to demonstrate the remaining information at issue is highly intimate or embarrassing and of no legitimate concern to the public. Thus, the center may not withhold any of the remaining information at issue under section 552.101 of the Government Code in conjunction with common-law privacy. The center must release the remaining 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 <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,



Kimbell Kesling
Attorney
Open Records Division

KK/be

Ref: ID# 806967

Enc. Submitted documents

c: Requestor
(w/o enclosures)