



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 4, 2020

Ms. Suzanne L. Hanneman  
City Attorney  
City of Alvin  
216 West Sealy Street  
Alvin, Texas 77511

OR2020-03251

Dear Ms. Hanneman:

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# 809834 (Ref. No. CA-19-0149).

The Alvin Police Department (the "department") received a request for the 9-1-1 audio recordings and call slips pertaining to a specified incident. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 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. This section encompasses information protected by other statutes, such as chapter 772 of the Health and Safety 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). You inform us the City of Alvin is part of an emergency communication district that is subject to section 772.318. You assert the information you marked was obtained from a 9-1-1 service supplier. Upon review, we find section 772.318 is applicable to the information you marked. Accordingly, the department must withhold the telephone numbers and addresses you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You state the department is withholding public citizens' dates of birth pursuant to the previous determination issued in Open Records Letter No. 2018-15263 (2018).<sup>1</sup> Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. The court of appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Upon review, we note the remaining information includes an additional date of birth subject to section 552.101 of the Government Code in conjunction with common-law privacy. Accordingly, the department must withhold the dates of birth you marked, the additional date of birth we marked, and the audible date of birth we indicated under section 552.101 of the Government Code in conjunction with common-law privacy.

You state the department will redact motor vehicle record information pursuant to section 552.130(c) of the Government Code.<sup>2</sup> Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle operator's or driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country. *See* Gov't Code § 552.130. Upon review, we note the remaining information contains additional motor vehicle record information subject to section 552.130. Accordingly, the department must withhold the motor vehicle record information you marked and the additional information we marked under section 552.130 of the Government Code.

In summary, the department must: (1) withhold the telephone numbers and addresses you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code; (2) withhold the dates of birth you marked, the additional date of birth we marked, and the audible date of birth we indicated under section 552.101 of the Government Code in conjunction with common-law privacy; (3) withhold the motor vehicle record information you marked and the additional information we marked under section 552.130 of the Government Code; and (4) 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

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<sup>1</sup> Open Records Letter No. 2018-15263 is a previous determination issued to the department authorizing it to withhold certain public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a ruling from this office.

<sup>2</sup> Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

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,

A handwritten signature in black ink, appearing to read "Blake Brennan", written in a cursive style.

Blake Brennan  
Assistant Attorney General  
Open Records Division

BBX/mo

Ref: ID# 809834

Enc. Submitted documents

c: Requestor  
(w/o enclosures)