



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2020

Ms. Catherine Zellers
City of Weatherford
P.O. Box 255
Weatherford, Texas 76086

OR2020-17433

Dear Ms. Zellers:

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# 836621 (Records Center No. W001970).

The City of Weatherford (the "city") received a request for information pertaining to a specified incident. You state you have released some information. The city informs us it will withhold certain motor vehicle information pursuant to section 552.130(c) of the Government Code.¹ Further, you state the city will redact dates of birth pursuant to Open Records Letter No. 2018-01572 (2018).² You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.108 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. Section 552.101 encompasses section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code authorizes the development of local emergency communication districts. Section 772.318 is applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). This section makes the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier confidential. *Id.* at 2. Section 772.318

¹ Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 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).

² Open Records Letter No. 2018-01572 is a previous determination issued to the city authorizing it to withhold the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without seeking a ruling from this office. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

applies to an emergency communication district for a county with a population of more than 20,000. You state Exhibits B and C include the originating telephone numbers of 9-1-1 callers that were furnished by a service supplier. You inform this office the city is part of an emergency communication district established under section 772.318. Accordingly, the city must withhold the telephone number you marked in Exhibit B and this information on the audio recording in Exhibit C under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, we note one of the callers provided her telephone number in the submitted audio recording. As this information was not furnished by a 9-1-1 service supplier, it is not subject to the section 772.318 and may not be withheld under section 552.101 on that basis.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. See Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state Exhibits D-G relate to a closed criminal investigation that did not result in a conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2) is applicable to Exhibits D-G. Accordingly, the city may withhold Exhibits D-G under section 552.108(a)(2).

In summary, the city must withhold the telephone number you marked in Exhibit B and this information on the audio recording in Exhibit C under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city may withhold Exhibits D-G under section 552.108(a)(2). The remaining information 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 <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,

Melanie Villars
Assistant Attorney General
Open Records Division

MJV/be

Ref: ID# 836621

Enc. Submitted documents

c: Requestor
(w/o enclosures)