



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 22, 2021

Ms. Julie Pandya Doshier
Counsel for the City of Farmers Branch
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 North Akard Street
1800 Ross Tower
Dallas, Texas 75201

OR2021-01762

Dear Ms. Doshier:

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# 862958 (Ref. No. 118723).

The City of Farmers Branch (the "city"), which you represent, received a request for all incident reports involving two named individuals and a specified address. You state the city will redact information pursuant to sections 552.130(c) and 552.136(c) of the Government Code.¹ You also state the city will redact public citizens' dates of birth pursuant to Open Records Letter No. 2017-05218 (2017).² You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹ 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). Section 552.136(c) of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e).

² Open Records Letter No. 2017-05218 authorizes the city to withhold 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.

Initially, we note event report number 2018-152889 was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2021-01153 (2021). In that ruling we determined the city must: (1) withhold certain information under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code; (2) withhold certain information under section 552.101 of the Government Code in conjunction with sections 730.004 and 730.013 of the Transportation Code; (3) withhold certain information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code; (4) withhold certain information under section 552.101 of the Government Code in conjunction with common-law privacy; and (5) release the remaining information. We understand the law, facts, and circumstances on which the prior ruling was based have not changed. Thus, the city must continue to rely on Open Records Letter No. 2021-01153 as a previous determination and withhold or release event report number 2018-152889 in accordance with this ruling.³ *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, we will consider your arguments for the remaining information not subject to the previous rulings.

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, 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 indicate the city is part of an emergency communication district that is subject to section 772.318 of the Health and Safety Code. You state the address you have marked in the remaining information consists of the originating address furnished by a 9-1-1 service supplier. Accordingly, the city must withhold the remaining information you have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

In summary, the city must continue to rely on Open Records Letter No. 2021-01153 as a previous determination and withhold or release event report number 2018-152889 in accordance with this ruling. The city must withhold the remaining information you have marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The city must release the remaining information.

³ As we are able to make this determination, we need not address your arguments against disclosure of this 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,

Tim Neal
Assistant Attorney General
Open Records Division

TN/gw

Ref: ID# 862958

Enc. Submitted documents

c: Requestor
(w/o enclosures)