

Florida Emergency Telephone Act, "911" records

Number: INFORMAL

Date: August 26, 1996

Subject:

Florida Emergency Telephone Act, "911" records

Mr. Marshall Nelson
Coordinator, Gulf County Emergency
Management/911 System
1000 Fifth Street
Port St. Joe, Florida 32456

Dear Mr. Nelson:

Thank you for considering this office as a source for assistance regarding the interpretation of section 365.171(15), Florida Statutes. Attorney General Butterworth has asked me to respond to your letter.

Section 365.171, Florida Statutes, is the Florida Emergency Telephone Act, enacted for the purpose of establishing and implementing "a cohesive statewide emergency telephone number '911' plan which will provide citizens with rapid direct access to public safety agencies by dialing the number '911' with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services." [1] Subsection (15) of the statute provides in part:

"CONFIDENTIALITY OF RECORDS.--Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency telephone number '911' system is confidential and exempt from the provisions of s. 119.07(1), except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, or telephone number of any person reporting an emergency while such information is in the custody of the public agency or public safety agency which receives the initial '911' telephone call. . . ."

In considering the above exemption, this office has stated that the portion of the voice recording of a "911" call containing the name, address, telephone number and personal information that might identify a person reporting an emergency or requesting emergency services must be deleted or excised by the records custodian prior to the disclosure of the remainder of the recording. [2] Moreover, while this office has stated that section 365.171(15), Florida Statutes, exempts only the name, address, telephone number and personal information or information that might identify the person reporting the emergency or requesting emergency services, this does not preclude the application of another exemption. For example, in Attorney General Opinion 95-

48 this office concluded that while a "911" during which a crime is initially reported would not ordinarily contain criminal investigative or intelligence information since such call initiates the investigation, the criminal justice agency must determine whether certain information contained in the public record constitutes active criminal intelligence or investigative information.

I am enclosing copies of several Attorney General Opinions, referenced herein, which discuss the provisions of this exemption as well as relevant portions of the 1995 edition of the Government in the Sunshine Manual for your consideration and review. Also enclosed for your consideration is a copy of this office's Statement Concerning Attorney General Opinions. You may wish to discuss this matter further with your county attorney. I trust, however, that the enclosed materials may be of some assistance to you in resolving this matter.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tgk

Enclosures: Ops. Att'y. Gen. Fla. 95-48 (1995), 93-60 (1993), and 90-43(1990); Statement Concerning Attorney General Opinions; Government in the Sunshine Manual, pp. 113, 125-128, 133-134.

[1] Section 365.171(2), Fla. Stat.

[2] See Op. Att'y Gen. Fla. 93-60 (1993). *And see* Op. Att'y Gen. Fla. 90-43 (1990) stating that while the portion of a voice recording revealing the name, address, and telephone number of a person reporting an emergency or requesting assistance using a "911" number is exempt from disclosure, a public agency is required to release the remainder of the voice recording once the exempt material has been deleted. Copies of the above reference opinions are enclosed for your consideration and review.