



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 20, 1996

Mr. Norbert J. Hart
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR96-0212

Dear Mr. Hart:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 38545.

The Municipal Courts of Corpus Christi received a request for "a daily list of issued traffic citations, including Names, Location, and Date, but said list limited to just those involving : Two or More Motor Vehicle Accident(s)." You say this information is maintained by the Corpus Christi Municipal Courts.

Section 552.003(b) of the Government Code excludes the judiciary from the Open Records Act. Therefore, the Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it be disclosed. *See* Open Records Decision No. 25 (1974). Nevertheless, the municipal court records may be available for public inspection under either a statutory or common-law right of inspection. *See* Attorney General Opinion DM-166 (1992) at 3.

We assume, however, that the city's police department has records of issued traffic citations. You discuss at length the fact that the requested information can be used to obtain information that is made confidential by V.T.C.S. article 6701d, section 47. You assert that the information is therefore excepted from required public disclosure pursuant to section 552.101 of the Government Code, which applies to information made

confidential by law. While it may be true that the requested records can be used to obtain confidential information, we do not believe section 47 of article 6701d makes the requested records confidential.

V.T.C.S. article 6701d, section 47 makes accident reports confidential and provides in part as follows:

(a) Except as provided by subsection (b) of this section, all accident reports . . . shall be privileged and for the confidential use of the Department [of Public Safety] and agencies of the United States, this state, or local governments of this state having use for the records for accident prevention purposes.

(b)(1) The Department or a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to:

(A) an agency described in subsection (a) . . . ;

(B) the law enforcement agency that employs the peace officer who investigated the accident . . . ;

(C) a court . . . pursuant to a lawful subpoena; or

(D) a person who provides the Department or the law enforcement agency with two or more of the following:

(i) the date of the accident;

(ii) the name of any person involved in the accident; or

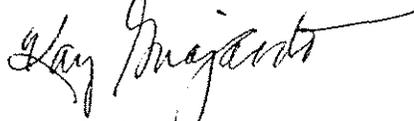
(iii) the specific location of the accident.

As the requested information is not an "accident report" made confidential by this provision, we conclude that it is not excepted from required public disclosure under section 552.101 of the Government Code.

We agree that the act does not require the city to respond to a continuing request to supply information on a periodic basis as it is prepared in the future. *See Open Records Decision No. 476 (1987), 465 (1987)*. However, recognizing that the requestor here may reword the request so as to ask for police department traffic citations in existence, we will rule on the exception you raised to the disclosure of traffic citations by concluding that section 552.101 in conjunction with section 47 of V.T.C.S. article 6701d is inapplicable to traffic citations.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 38545

cc: Mr. Don Prince
Drake Communications
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Corpus Christi, Texas 78411