



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 28, 1996

Mr. Charles H. Weir
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR96-0452

Dear Mr. Weir:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37041.

The City of San Antonio (the "city") received two requests relating to dispatch cards and dispatch surveys.¹ You contend that the requested information is excepted from required public disclosure under section 552.101 of the Government Code as information made confidential by law.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. In the recent legislative session, the legislature amended article 6701d, V.T.C.S., in House Bill 391 to provide that 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, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. This act, however, applies only to "accident reports" required by article 6701d,

¹One of the requestors seeks "routine, on-going access" to the requested information. The Open Records Act does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. See Attorney General Opinion JM-48 (1983). However, because there is nothing to prevent the requestor from making daily requests for newly created dispatch logs, we will rule on the records you have submitted to this office as being representative of the types of records the requestor may seek in the future. The second requestor apparently seeks only that information from November 1, 1995 and November 2, 1995.

V.T.C.S., or by article 6701h, V.T.C.S.² Section 550.064 of the Transportation Code, formerly part of article 6701d, provides that the Texas Department of Transportation shall prepare and, upon request, supply accident report forms to suitable agencies or individuals. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 1, 1995 Tex. Sess. Law Serv. 1025, 1694-95 (to be codified as Transp. Code § 550.064). The statute sets out the information that must be included in those forms. *Id.* Section 601.004 of the Transportation Code, formerly part of article 6701h, similarly provides for accident report forms to be prepared by the Texas Department of Public Safety. *Id.* 1995 Tex. Sess. Law Serv. at 1705-06. As "dispatch logs" do not fall within the definition of "accident reports" that are addressed in House Bill 391, this law does not apply to the requested information. Therefore, the city may not withhold the requested information under section 552.101 of the Government Code.

We note that section 552.222 of the Government Code prohibits an inquiry by the governmental body into the motives of the person applying for inspection or copying of records. *See* Open Records Decision No. 542 (1990). Consequently, the motives of the requestors for obtaining the requested information are not relevant to an analysis as to whether the information is subject to required public disclosure.

We are resolving this matter with an 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 should 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/LBC/ch

²Effective September 1, 1995, these statutes were repealed and replaced with the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.* § 25, 1995 Tex. Sess. Law Serv. at 1871. However, the Seventy-fourth Legislature also without reference to its repeal amended section 47 of article 6701d, V.T.C.S. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature that enacted the code. Gov't Code § 311.031. Accordingly, the amendment to section 47 is preserved and given effect as part of the Transportation Code. *Id.* Section 47, V.T.C.S. article 6701d, is the statutory predecessor of Transportation Code section 550.065, and its amendment is the current law.

Ref: ID# 37041

Enclosures: Submitted documents

cc: Adriene Anderson
Anderson Courier Service
1880 South Dairy Ashford, Suite 673
Houston, Texas 77077
(w/o enclosures)

Larry Laurent
1250 South Capitol of Texas Hwy.
Austin, Texas 78746
(w/o enclosures)