



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2009

Ms. Jaime S. French
Fulbright & Jaworski L.L.P.
300 Convent Street Suite 2200
San Antonio, Texas 78205-3792

OR2009-01296

Dear Ms. French:

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# 337689.

The Schertz Police Department (the "department"), which you represent, received a request for information relating to two specified report numbers. You state that some of the requested information has been released. You claim that the rest of the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

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 exception encompasses information that other statutes make confidential. Section 550.065(b) of the Transportation Code states that except as provided by subsection (c), accident reports are privileged and confidential. *See* Transp. Code § 550.065(b). Section 550.065(c)(4) provides for the release of an accident report to a person who provides two of the following three items of information: (1) the date of the accident; (2) the name of any person involved in the accident; and (3) the specific location of the accident. *See id.* § 550.065(c)(4). Under this provision, the Texas Department of Transportation or another governmental entity is required to release a copy of an accident report to a person who provides the agency with two or more of the items of information specified by the statute. *Id.* The submitted information includes a crash report that was completed pursuant to chapter 550 of the Transportation Code. *See id.* § 550.064 (officer's accident report). In this instance, however, the requestor has not provided the department

with two of the three specified items of information. We therefore agree the department must withhold the submitted crash report pursuant to section 550.065(b) of the Transportation Code.

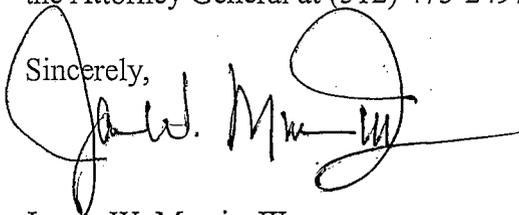
Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code § 552.130(a)(1)-(2)*. You have highlighted the information that the department seeks to withhold under this exception. We agree that the department must withhold the highlighted Texas driver's license numbers, license plate numbers and years, and vehicle identification numbers under section 552.130. The rest of the highlighted information does not fall within the scope of section 552.130 and may not be withheld under this exception.

In summary: (1) the department must withhold the crash report pursuant to section 550.065(b) of the Transportation Code; and (2) the department must withhold the highlighted Texas driver's license numbers, license plate numbers and years, and vehicle identification numbers under section 552.130 of the Government Code. 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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal stroke at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

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Ref: ID# 337689

Enc: Submitted documents

c: Requestor
(w/o enclosures)