



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 5, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco, Legal Services
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-01552

Dear Ms. Villarreal:

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# 335106 (City of Waco Reference # LGL-08-1150).

The City of Waco (the "city") received a request for two specific incident reports. You state that you will release some of the requested information to the requestor. You indicate that you will redact social security numbers under section 552.147 of the Government Code.¹ You claim that portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the submitted information contains an ST-3 accident report form that appears to have been completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) states that, except as provided by subsection (c), accident reports are privileged and confidential. Section 550.065(c)(4) provides for the release of accident reports to a person who provides two of the following three pieces 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. *Id.* § 550.065(c)(4). Under this provision, a governmental entity is required to release a copy of an accident report to a person who provides the entity with two or more pieces of information specified by the statute. *Id.* In this instance, the requestor has provided the department with the date of the accident and the name of one person involved in the accident; thus, the submitted ST-3 accident report is subject to section 550.065(c)(4) of the Transportation Code. Although you contend that some information in this report is excepted from disclosure under section 552.130 and have also marked several insurance policy

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

numbers, presumably for exclusion under section 552.136, the exceptions found in the Act generally do not apply to information that is made public by other statutes. *See* Open Records Decision No. 525 (1989) (statutory predecessor). Thus, the city must release the submitted ST-3 accident report in its entirety to the requestor under section 550.065 of the Transportation Code.

We next consider the section 552.130 argument you have raised as it applies to the remaining submitted information. Section 552.130 of the Government Code provides in relevant part:

(a) Information is excepted from [disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130(a)(1), (2). Accordingly, the city must withhold the Texas driver's license numbers and vehicle identification numbers we have marked pursuant to section 552.130.

In summary, the city must withhold the information we have marked under section 552.130 of the Government Code. The city must release the remainder of the submitted 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 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,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/jb

Ref: ID# 335106

Enc. Submitted documents

cc: Requestor
(w/o enclosures)