



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 3, 2009

Mr. Robert Massey  
Assistant City Attorney II  
City of Wichita Falls  
P.O. Box 1431  
Wichita Falls, Texas 76307

OR2009-07598

Dear Mr. Massey:

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# 344934.

The Wichita Falls Police Department (the "department") received a request for a specified police report involving a traffic accident and related information. You state that the department has released certain information to the requestor. You have provided this office with copies of the released information. You claim that the remaining information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note, and you acknowledge, that you have redacted information subject to section 552.130 of the Government Code from the information that has been released to the requestor. Pursuant to section 552.301 of the Government Code, a governmental body that seeks to withhold requested information must submit to this office a copy of the information, labeled to indicate which exceptions apply to which parts of the copy, unless the governmental body has received a previous determination for the information at issue. *See* Gov't Code §§ 552.301(a), .301(e)(1)(D). You do not assert, nor does our review of our records indicate, that the department is authorized to withhold the redacted information without first seeking a ruling from this office. *See id.* § 552.301(a); Open Records Decision No. 673 (2000). In this instance, you have submitted copies of the information you released, and we can discern the nature of the redacted information; thus, being deprived of that information does not inhibit our ability to make a ruling. In the future, however, the department should refrain from redacting any information for which it is not authorized.

Next, we note that the released information contains a CR-3 accident report form that was completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.062

(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) date of the accident; (2) name of any person involved in the accident; and (3) specific location of the accident. *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 pieces of information specified by the statute. *Id.* In this instance, you state that the requestor provided the department with the information necessary to obtain a copy of the CR-3 accident report form. We note that you have redacted a vehicle identification number and driver's license number from the form. However, the requestor has a statutory right of access to the CR-3 accident report in its entirety pursuant to section 550.065(c) of the Transportation Code. *See* Open Records Decision Nos. 623 at 3(1994) (exceptions in Act inapplicable to information that statutes expressly make public), 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act.). Therefore, the department must release the CR-3 accident report form to the requestor in its entirety pursuant to section 550.065(c) of the Transportation Code.

The released case report contain Texas motor vehicle record information subject to section 552.130 of the Government Code. This section excepts from disclosure information that relates 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). Thus, the department is required to withhold the information we have marked that relates to a Texas motor vehicle license, title, or registration pursuant to section 552.130.

We will now address your argument for Exhibit 3, which the department has not released. Section 552.108(a)(1) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov't Code § 552.108(a)(1). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide an affidavit showing, that the submitted information is the subject of pending criminal investigations. Based on your representation and our review, we conclude that section 552.108(a)(1) is applicable to Exhibit 3. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

As you acknowledge section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov't Code § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle* and

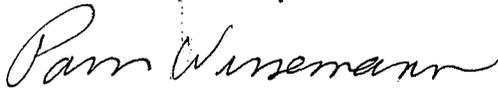
includes "a detailed description of the offense." See 531 S.W.2d at 186-7. However, we note that the information the department has released does not contain information sufficient to qualify as a "detailed description of the offense" as required by *Houston Chronicle*. Therefore, the department must release a sufficient portion of the narrative section of Exhibit 3 to encompass a detailed description of the offense. Accordingly, with the exception of a detailed description of the offense, the department may withhold Exhibit 3 under section 552.108(a)(1) of the Government Code

In summary, the department must release the CR-3 accident report form in its entirety pursuant to section 550.065(c)(4) of the Transportation Code. The department must withhold the information we have marked in the case report in Exhibit 2 under section 552.130 of the Government Code. With the exception of a detailed description of the offense, the department may withhold Exhibit 3 under section 552.108(a)(1) of the Government Code.

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](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,



Pamela Wissemann  
Assistant Attorney General  
Open Records Division

PFW/jb

Ref: ID# 344934

Enc. Submitted documents

c: Requestor  
(w/o enclosures)