



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 25, 2010

Mr. David H. Guerra
King, Guerra, Davis & Garcia
P.O. Box 1025
Mission, Texas 78573

OR2010-04203

Dear Mr. Guerra:

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# 373811.

The City of Mission (the "city"), which you represent, received a request for information pertaining to all vehicle accidents, including logs, from December 23, 2009 to January 6, 2010. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information, part of which is a representative sample.¹

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses section 550.065 of the Transportation Code, which provides in relevant part as follows:

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(a) This section applies only to information that is held by the [Texas Department of Transportation (the "department")]² or another governmental entity and relates to a motor vehicle accident reported under this chapter or Section 601.004 [of the Transportation Code], including accident report information compiled under Section 201.805 [of the Transportation Code][.]³

(b) Except as provided by Subsection (c) or (e), the information is privileged and for the confidential use of:

(1) the department; and

(2) an agency of the United States, this state, or a local government of this state that has use for the information for accident prevention purposes.

(c) On written request and payment of any required fee, the department or the governmental entity shall release the information to:

(4) a person who provides the department or governmental entity with two or more of the following:

(A) the date of the accident;

(B) the specific address or the highway or street where the accident occurred; or

(C) the name of any person involved in the accident.

(e) In addition to the information required to be released under Subsection (c), the department may release:

(1) information relating to motor vehicle accidents that the department compiles under Section 201.805, as added by

²Transp. Code § 550.0601 ("department" means the Texas Department of Transportation).

³We note the 81st Legislature renumbered section 201.805 to section 201.806 of the Transportation Code. Act of May 20, 2009, 81st Leg., ch. 87, § 27.001(90), 2009 Tex. Gen. Laws 208, 381.

Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular Session, 2007[.]⁴

(f) The department:

(1) may not release under Subsection (e) information that:

(B) would allow a person to satisfy the requirements of Subsection (c)(4) for the release of information for a specific motor vehicle accident[.]

Transp. Code § 550.065(a)-(c), (e)-(f) (footnotes added). You claim the submitted CR-3 accident report forms that appear to have been completed pursuant to chapter 550 of the Transportation Code and the incident analysis report log are confidential under section 550.065 of the Transportation Code. *See id.* § 550.064 (officer's accident report). Under section 550.065(c)(4), the department or another governmental body is required to release a copy of an accident report to a person who provides the governmental body with two or more pieces of information specified by the statute. *Id.* In the present request, the requestor has not provided the city with two of the three pieces of information specified by the statute. Accordingly, the city must withhold the submitted CR-3 accident report forms from public disclosure under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

You also seek to withhold the submitted incident analysis report log. This information identifies the time each call reporting an accident was made, the location where service was requested, the name of the caller, and identifies the responding units and officers. You state release of the information at issue "would allow a person to satisfy the requirements of [section 550.065(c)(4)] as prohibited by [section 550.065(f)(1)(B)]." Section 550.065(f) refers to the information addressed in section 550.065(e), which is the information in the database referred to as the Crash Records Information System ("CRIS"). *See id.* § 550.065(e), (f); *see also* Senate Comm. on Transportation and Homeland Security, Bill Analysis, Tex. S.B. 375, 81st Leg., R.S. (2009). The department, not the city, maintains CRIS as required by section 201.806 of the Transportation Code. *See* Transp. Code § 201.806. Thus, section 550.065(f)(1)(B) addresses only the department and applies only to the department. Consequently, the city's incident analysis report log is not made

⁴As previously noted, this section has been renumbered to section 201.806 of the Transportation Code.

Id.

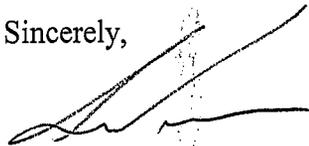
confidential by section 550.065(f)(1)(B). Thus, the city may not withhold it under section 552.101.

In summary, the city must withhold the CR-3 accident report forms under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code. The city must release the remaining 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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 373811

Enc. Submitted documents

c: Requestor
(w/o enclosures)