



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 13, 2010

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2010-05224

Dear Mr. Bounds:

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# 375673.

The City of Corpus Christi (the "city") received a request for six categories of information pertaining to the traffic signal at a specified intersection and the operation of a photographic traffic signal enforcement system at that intersection. You state the city has released some of the responsive information. You claim the submitted accident reports are excepted from disclosure under section 552.101 of the Government Code.¹ You take no position on the public availability of the submitted proposal. You indicate, however, that release of the submitted proposal may implicate the proprietary interests of Redflex Traffic Systems, Inc. ("Redflex"). You notified Redflex of this request for information and of its right to submit arguments to this office as to why the information should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We received correspondence from Redflex. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the submitted proposal was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2008-10155 (2008). In Open Records Letter No. 2008-10155, we ruled that Redflex had not demonstrated that any of its information constituted a trade secret under section 552.110(a)

¹We assume that 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.

of the Government Code and Redflex also had not made the specific factual or evidentiary showing required by section 552.110(b) of the Government Code to demonstrate that release of its information would cause the company substantial competitive harm. As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the city must continue to rely on that ruling as a previous determination and release the previously ruled upon information in accordance with Open Records Letter No. 2008-10155. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, we have received comments from Redflex stating it does not object to the release of the "Agreement Between the City of Corpus Christi and Redflex Traffic Systems, Inc. for Photo Red Light Enforcement Programs[.]" We note that the city did not submit this information for our review. This ruling does not address information beyond what the city has submitted for our review. *See* Gov't Code § 552.301(e)(D)(1) (governmental body requesting decision from attorney general must submit copy of specific information requested.)

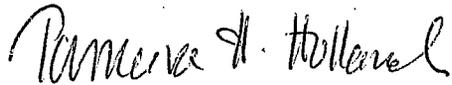
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 550.065(b) of the Transportation Code. Section 550.065(b) states that except as provided by subsection (c) or (e), accident reports are privileged and for the confidential use of certain specified entities. Transp. Code § 550.065(b). You state the submitted ST-3, CR-3, and CRB-3 crash reports and supplements were completed pursuant to chapter 550 of the Transportation Code. *See id.* § 550.064 (officer's accident report). 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 two or more pieces of information specified by the statute. *Id.* In this instance, the requestor has not provided the city with at least two of the three items of information specified by section 550.065(c)(4) for any of the crash reports. Therefore, the city must withhold the submitted ST-3, CR-3, and CRB-3 crash reports and supplements pursuant to section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

In summary, the city must continue to rely on Open Records Letter No. 2008-10155 as a previous determination and release the previously ruled upon information in accordance with that ruling. The city must withhold the submitted ST-3, CR-3, and CRB-3 crash reports and supplements pursuant to section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation 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, 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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 375673

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Mr. John M. Jacobs
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(w/o enclosures)