



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 28, 2010

Ms. Angela M. DeLuca  
Assistant City Attorney  
City of Bryan  
P.O. Box 1000  
Bryan, Texas 77805

OR2010-09533

Dear Ms. DeLuca:

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# 384754.

The City of Bryan (the "city") received a request for specified crash reports and complaints regarding a specified stretch of F.M. 2818 during a specified time period.<sup>1</sup> You state the city has no information responsive to the portion of the request regarding complaints. You claim the requested crash reports are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup> We have also received and considered comments submitted by the requestor. *See Gov't Code § 552.304* (interested party may submit written comments regarding availability of requested information):

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<sup>1</sup>You state, and provide documentation showing, the city received clarification from the requestor regarding the request. *See Gov't Code § 552.222(b)* (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

<sup>2</sup>We 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 those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code exempts 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 information other statutes make confidential, such as section 550.065(b) of the Transportation Code, which states, 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). 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 only to a person who provides two or more pieces of information specified by the statute. *Id.*

In this instance, the requestor has provided only the location and a date range spanning more than five years. The provided date range does not constitute the date of an accident, as specified in section 550.065(c)(4). The requestor contends the information he has provided is sufficient for the city to gather and provide the requested information to him. The requestor appears to suggest the city's failure to provide the requested information is because gathering the information would be inconvenient or burdensome to the city. The requestor further asserts a ruling in favor of the city would only increase the city's burden. We agree the administrative inconvenience of providing public records to a requestor in response to an open records request does not constitute sufficient grounds for denying such a request. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976), cert. denied, 430 U.S. 931 (1977).

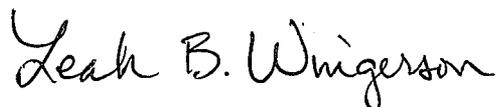
In this instance, however, the city's request is not based on administrative inconvenience. The requested information is subject to a confidentiality statute; its provisions control what information may be released and to whom. Section 550.065(c)(4) requires the requestor to provide at least two of the three items of information specified in section 550.065(c)(4) in order for the city to release the requested crash reports. Because we find the requestor did not provide the city with at least two of the three items of information required by section 550.065(c)(4), the city must withhold the requested crash reports 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](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,

A handwritten signature in black ink that reads "Leah B. Wingerson". The signature is written in a cursive style with a large initial "L".

Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 384754

Enc. Submitted documents

c: Requestor  
(w/o enclosures)