



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 28, 2010

Mr. David Daugherty  
Assistant County Attorney  
County of Harris  
1019 Congress, 15th Floor  
Houston, Texas 77002-1700

OR2010-16386

Dear Mr. Daugherty:

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# 398286 (C.A. File No. 10GEN1647).

The Harris County Precinct One Constable's Office (the "constable") received a request for the constable's investigation and search-and-seizure protocols for animal cruelty cases, four categories of information relating to two specified civil cases, six categories of information relating to two named deputy constables, and contracts between the constable and three named entities. You state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.103, 552.107, 552.108, 552.111, 552.117, 552.1175, 552.130, 552.132, 552.136, 552.137, 552.140, and 552.147 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted information includes Texas Peace Officer's Crash Reports completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064

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<sup>1</sup>Although you also initially raised sections 552.026, 552.110, 552.112, 552.114, 552.115, 552.118, 552.119, 552.122, 552.127, 552.129, 552.1325, 552.134, 552.138, 552.139, 552.141, 552.142, 552.143, and 552.151 of the Government Code, you have not submitted arguments explaining how these exceptions apply to the submitted information. Therefore, we presume you have withdrawn these exceptions. *See* Gov't Code §§ 552.301, .302.

(officer's accident report). Section 550.065(b) states that, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. *Id.* § 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, 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 of the items of information specified by the statute. *Id.* In this instance, the requestor has not provided the constable with all of the specified items of information. Accordingly, the constable must withhold the submitted Texas Peace Officer's Crash Reports subject to chapter 550 of the Transportation Code in their entirety.

Next, we note the submitted information includes completed reports or investigations which are not subject to section 550.065 of the Transportation Code, but which are subject to section 552.022 of the Government Code. Section 552.022 provides in pertinent part:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Gov't Code § 552.022(a)(1). Pursuant to section 552.022(a)(1) of the Government Code, completed reports and investigations are expressly public unless they are either excepted under section 552.108 of the Government Code or are expressly confidential under other law. Sections 552.103, 552.107, and 552.111 of the Government Code are discretionary exceptions that protect a governmental body's interest and may be waived. *See id.* § 552.007; *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive Gov't Code § 552.103); Open Records Decision Nos. 677 at 10 (2002) (attorney work product privilege under section 552.111 may be waived), 676 at 10-11 (2002) (attorney-client privilege under Gov't Code § 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). As such, sections 552.103, 552.107, and 552.111 are not other laws that make information confidential for the purposes of sections 552.022(a)(1). Therefore, the constable may not withhold any of the information subject to 552.022 under section 552.103, section 552.107, or section 552.111 of the Government Code. We note the attorney-client privilege is also found in rule 503 of the Texas Rules of Evidence and the attorney work product privilege is also found in rule 192.5 of the Texas Rules of Civil Procedure. The Texas Supreme Court has held the Texas Rules of Evidence and Texas Rules of Civil Procedure are "other law" within the meaning of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336

(Tex. 2001). Furthermore, the common-law informer's privilege, which you claim under section 552.101 of the Government Code, is also other law that makes information confidential for the purposes of section 552.022. *See id.* We will therefore consider your assertions of the attorney-client privilege under rule 503 of the Texas Rules of Evidence, the attorney work product privilege under rule 192.5 of the Texas Rules of Civil Procedure, and the common-law informer's privilege for the submitted reports. In addition, because information subject to section 552.022(a)(1) may be excepted under sections 552.101, 552.102, 552.108, 552.117, 552.1175, 552.130, 552.132, 552.136, 552.137 and 552.140 of the Government Code, we will address your arguments under these exceptions for the submitted reports.

You assert the information subject to section 552.022(a)(1) of the Government Code is protected by attorney-client privilege. Rule 503 of the Texas Rules of Evidence encompasses the attorney-client privilege and provides:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

- (A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;
- (B) between the lawyer and the lawyer's representative;
- (C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;
- (D) between representatives of the client or between the client and a representative of the client; or
- (E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5). Thus, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must: (1) show the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show the

communication is confidential by explaining it was not intended to be disclosed to third persons and it was made in furtherance of the rendition of professional legal services to the client. Upon a demonstration of all three factors, the information is privileged and confidential under rule 503, provided the client has not waived the privilege or the document does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Pittsburgh Corning Corp. v. Caldwell*, 861 S.W.2d 423, 427 (Tex. App.—Houston [14th Dist.] 1993, no writ).

You claim the information subject to section 552.022(a)(1) consists of confidential attorney-client communications made in furtherance of the rendition of professional legal services to the constable. Upon review, however, we find you have failed to establish any of the information subject to section 552.022(a)(1) of the Government Code constitutes privileged attorney-client communications. Therefore, none of the information may be withheld under rule 503 of the Texas Rules of Evidence.

You also raise the attorney work product privilege for the information subject to section 552.022(a)(1) of the Government Code. Rule 192.5 of the Texas Rules of Civil Procedure encompasses the attorney work product privilege. However, the Texas Rules of Civil Procedure apply only to “actions of a civil nature.” TEX. R. CIV. P. 2. Accordingly, the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure does not apply to incident report number 10-114531, which pertains to a criminal case. Therefore, the constable may not withhold this incident report under rule 192.5. However, we will consider your rule 192.5 claim for the remaining information subject to section 552.022(a)(1). For purposes of section 552.022 of the Government Code, information is confidential under rule 192.5 only to the extent the information implicates the core work product aspect of the work product privilege. *See Open Records Decision No. 677 at 9-10 (2002)*. Rule 192.5 defines core work product as the work product of an attorney or an attorney’s representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney’s representative. *See TEX. R. CIV. P. 192.5(a), (b)(1)*. Accordingly, in order to withhold attorney core work product from disclosure under rule 192.5, a governmental body must demonstrate that the material was (1) created for trial or in anticipation of litigation and (2) consists of the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney’s representative. *Id.*

The first prong of the work product test, which requires a governmental body to show the information at issue was created in anticipation of litigation, has two parts. A governmental body must demonstrate that (1) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance litigation would ensue, and (2) the party resisting discovery believed in good faith there was a substantial chance litigation would ensue and conducted the investigation for the purpose of preparing for such litigation. *See Nat’l Tank v. Brotherton*, 851 S.W.2d 193, 207 (Tex. 1993). A “substantial chance” of litigation does not mean a statistical probability, but

rather “that litigation is more than merely an abstract possibility or unwarranted fear.” *Id.* at 204. The second part of the work product test requires the governmental body to show the materials at issue contain the mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney’s representative. *See* TEX. R. CIV. P. 192.5(b)(1). A document containing core work product information that meets both parts of the work product test is confidential under rule 192.5, provided the information does not fall within the scope of the exceptions to the privilege enumerated in rule 192.5(c). *See Pittsburgh Corning Corp.*, 861 S.W.2d at 427.

You contend the remaining information subject to section 552.022(a)(1) of the Government Code contains attorney core work product that is protected by rule 192.5 of the Texas Rules of Civil Procedure. Upon review, we conclude you have not demonstrated how any of the information at issue consists of mental impressions, opinions, conclusions, or legal theories of an attorney or an attorney’s representative that were created for trial or in anticipation of litigation. We therefore conclude the constable may not withhold any of the information under rule 192.5 of the Texas Rules of Civil Procedure.

Section 552.108(a) of the Government Code 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). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide an affidavit from the Harris County District Attorney’s Office stating, incident report number 10-114531 relates to criminal proceedings currently under investigation and its release would interfere with that prosecution. Based on these representations and our review, we conclude the release of incident report number 10-114531 would interfere with the detection, investigation, or prosecution of crime. *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 present in active cases). Thus, section 552.108(a)(1) is applicable to incident report number 10-114531.

However, 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). Such basic information refers to the information held to be public in *Houston Chronicle* and includes a detailed description of the offense. *See* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Therefore, with the exception of basic information, the constable may withhold incident report number 10-114531 under section 552.108(a)(1) of the Government Code. However, the remaining information subject to section 552.022(a)(1), which we have marked, consists of accident reports and significant event reports unrelated to the pending criminal prosecution. Section 552.108 is generally not

applicable to information relating to an administrative investigation that did not result in a criminal investigation or prosecution. *See Morales v. Ellen*, 840 S.W.2d 519, 525-26 (Tex. Civ. App.—El Paso 1992, writ denied) (statutory predecessor to section 552.108 not applicable to internal investigation that did not result in criminal investigation or prosecution); *see also* Open Records Decision No. 350 at 3-4 (1982). You have not explained, and the information does not reflect, the remaining information subject to section 552.022(a)(1) relates to a pending a criminal investigation or prosecution. Accordingly, the constable may not withhold any portion of the remaining information subject to section 552.022(a)(1) under section 552.108(a)(1) of the Government Code.

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 the informer’s privilege, which has long been recognized by Texas courts. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928). The informer’s privilege protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority. Open Records Decision No. 515 at 3 (1988). The informer’s privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to “administrative officials having a duty of inspection or of law enforcement within their particular spheres.” Open Records Decision No. 279 at 2 (1981) (citing WIGMORE, EVIDENCE, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5 (1988). However, the informer’s privilege does not apply where the informant’s identity is known to the individual who is the subject of the complaint. *See* Open Records Decision No. 208 at 1-2 (1978).

You raise the informer’s privilege for a portion of the remaining information subject to section 552.022(a)(1) of the Government Code. However, you do not identify any individual in the information at issue who actually reported a violation of law. Further, you fail to inform this office of any specific criminal or civil statute the constable believes to have been violated. We therefore conclude the constable has failed to demonstrate the applicability of the common-law informer’s privilege in this instance. Thus, the constable may not withhold any of the remaining information subject to section 552.022(a)(1) under section 552.101 of the Government Code in conjunction with the informer’s privilege.

Section 552.101 also encompasses the doctrine of common-law privacy. Section 552.102(a) excepts from public disclosure “information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy[.]” Gov’t Code § 552.102(a). Section 552.102 is applicable to information that relates to public officials and employees. *See* Open Records Decision No. 327 at 2 (1982) (anything relating to employee’s employment and its terms constitutes information relevant to person’s employment

relationship and is part of employee's personnel file). The privacy analysis under section 552.102(a) is the same as the common-law privacy standard under section 552.101. *See Hubert v. Harte-Hanks Tex. Newspapers, Inc.*, 652 S.W.2d 546, 549-51 (Tex. App.—Austin 1983, writ ref'd n.r.e.) (addressing statutory predecessor). We will therefore consider the applicability of common-law privacy under section 552.101 together with your claim regarding section 552.102(a).

Common-law privacy protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be established. *Id.* at 681-82. This office has found some kinds of medical information or information indicating disabilities or specific illnesses are excepted from required public disclosure under common-law privacy. *See Open Records Decision Nos.* 470 (1987) (information pertaining to illness from severe emotional and job-related stress protected by common-law privacy), 455 (1987) (information pertaining to prescription drugs, specific illnesses, operations and procedures, and physical disabilities protected from disclosure). However, information pertaining to the work conduct and job performance of public employees is subject to a legitimate public interest and therefore generally not protected from disclosure under common-law privacy. *See Open Records Decision Nos.* 444 at 5-6 (1986) (public has interest in public employee's qualifications and performance and the circumstances of public employee's resignation or termination), 423 at 2 (1984) (explaining that because of greater legitimate public interest in disclosure of information regarding public employees, employee privacy under section 552.102 is confined to information that reveals "intimate details of a highly personal nature"). Upon review, we find a portion of the remaining information subject to section 552.022(a)(1), which we have marked, is highly intimate or embarrassing and not of legitimate public concern. Therefore, the constable must withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy and under section 552.102(a) of the Government Code. The constable has failed to demonstrate, however, that any of the remaining information is highly intimate or embarrassing and not of legitimate public interest. Therefore, the constable may not withhold any portion of the remaining information subject to section 552.022(a)(1) on the basis of common-law privacy or under section 552.102 of the Government Code.

You claim the remaining information subject to section 552.022(a)(1) contains personal information of peace officers. Section 552.117(a)(2) excepts from public disclosure the home addresses, home telephone numbers, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the

Government Code.<sup>2</sup> Gov't Code § 552.117(a)(2). Upon review, we find the constable must withhold the personal information of peace officers we have marked under section 552.117(a)(2) of the Government Code.<sup>3</sup> However, the constable may not withhold any of the remaining information subject to section 552.022(a)(1) on this basis.

You also claim some of the remaining information is protected under section 552.1175 of the Government Code. This section excepts from public disclosure the home addresses and telephone numbers, social security numbers, and family member information of specified categories of governmental body employees or officials. *See* Gov't Code § 552.1175(a)-(b). Upon review of the remaining information subject to section 552.022(a)(1), we find the information does not contain the home addresses and telephone numbers, social security numbers, or family member information of any persons falling within the specified categories of governmental body employees listed in section 552.1175. Thus, none of the remaining information may be withheld under section 552.1175 of the Government Code.

You claim the remaining information subject to section 552.022(a)(1) contains Texas motor vehicle record information. Section 552.130 of the Government Code excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state [.]" *Id.* § 552.130(a)(1), (2). Therefore, the constable must withhold the Texas motor vehicle record information you have marked, and the additional information we have marked, under section 552.130.

You assert some of the remaining information subject to section 552.022(a)(1) contains information subject to section 552.132 of the Government Code, which provides in relevant part:

(b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:

- (1) the name, social security number, address, or telephone number of a crime victim or claimant; or
- (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

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<sup>2</sup>"Peace officer" is defined by Article 2.12 of the Texas Code of Criminal Procedure.

<sup>3</sup>As our ruling on this information is dispositive, we need not address your remaining arguments against its disclosure.

(d) An employee of a governmental body who is also a victim under Subchapter B, Chapter 56, Code of Criminal Procedure, regardless of whether the employee has filed an application for compensation under that subchapter, may elect whether to allow public access to information held by the attorney general's office or other governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of the following:

- (1) the date the crime was committed;
- (2) the date employment begins; or
- (3) the date the governmental body develops the form and provides it to employees.

(e) If the employee fails to make an election under Subsection (d), the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

*Id.* § 552.132(a), (b), (d), (e). The submitted information is not held by the crime victim's compensation division of this office; therefore, section 552.132(b) is not applicable to this information. In addition, although we note the crime victim at issue is a constable employee, you do not indicate the crime victim has submitted an election for non-disclosure pursuant to section 552.132(d). Further, more than three years have passed since the crime was committed. *See id.* 552.132(e). We therefore conclude the constable may not withhold any portion of the remaining information subject to section 552.022(a)(1) under section 552.132 of the Government Code.

You claim the remaining information subject to section 552.022(a)(1) contains insurance policy numbers. Section 552.136 of the Government Code states that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. Accordingly, the constable must withhold the insurance policy number you have marked, and

the additional insurance policy numbers we have marked, under section 552.136 of the Government Code.<sup>4</sup>

Additionally, you claim some of the remaining information subject to section 552.022(a)(1) is excepted under section 552.137 of the Government Code. Section 552.137 excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov’t Code § 552.137(a)-(c). Upon review, none of the remaining information subject to section 552.022(a)(1) consists of an e-mail address of a member of the public. Accordingly, the constable may not withhold any of this information under section 552.137 of the Government Code.

You further claim some of the remaining information subject to section 552.022(a)(1) is excepted under section 552.140 of the Government Code. Section 552.140 provides that a military veteran’s DD-214 form or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003 is confidential for a period of seventy-five years and may only be disclosed in accordance with section 552.140 or in accordance with a court order. *See id.* § 552.140(a), (b). Upon review, none of the remaining information subject to section 552.022(a)(1) consists of DD-214 forms or other records of military discharge. Therefore, none of this information may be withheld under section 552.140 of the Government Code.

Finally, we address your claims for the information not subject to section 552.022. You assert that this information is excepted from disclosure under section 552.103 of the Government Code, which provides in part as follows:

- (a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party.

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<sup>4</sup>We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas driver’s license number and a Texas license plate number under section 552.130 of the Government Code and an insurance policy number under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). The constable has the burden of providing relevant facts and documents to show the section 552.103(a) exception is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation is pending or reasonably anticipated on the date the governmental body received the request, and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). The governmental body must meet both prongs of this test for information to be excepted under section 552.103(a). The purpose of section 552.103 is to protect the litigation interests of governmental bodies that are parties to the litigation at issue. *See* Gov't Code § 552.103(a); Open Records Decision No. 638 at 2 (1996) (section 552.103 only protects the litigation interests of the governmental body claiming the exception).

You inform us, and provide an affidavit from the Harris County Attorney's Office stating, that prior to the constable's receipt of this public information request, the civil cases at issue and the subject matter of the request are currently under appeal for a trial *de novo* styled Cause No. 969527 in Harris County Court at Law No. 2. Based on these representations and our review, we find litigation was pending on the date the constable received the request for information. Additionally, we agree the information at issue relates to the pending litigation. Therefore, the constable may withhold the information which is not subject to section 552.022(a)(1) under section 552.103 of the Government Code.<sup>5</sup>

We note, however, that once information has been obtained by all parties to the litigation through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Further, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

In summary, the constable must withhold the Texas Peace Officer's Crash Reports pursuant to section 550.065 of the Transportation Code. With the exception of basic information, the constable may withhold incident report number 10-114531 under section 552.108(a)(1) of the Government Code. The constable must release the remaining information subject to section 552.022(a)(1) of the Government Code, which we have marked. In releasing this information, the constable must withhold the information we have marked under

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<sup>5</sup>As our ruling is dispositive, we need not consider your remaining arguments against disclosure of the information at issue.

section 552.101 of the Government Code in conjunction with common-law privacy and under section 552.102(a) of the Government Code; the personal information of peace officers we have marked under section 552.117(a)(2) of the Government Code; the Texas motor vehicle record information you have marked, and the additional information we have marked, under section 552.130 of the Government Code; and the insurance policy number you have marked, and the additional insurance policy numbers we have marked, under section 552.136 of the Government Code. The constable may withhold the remaining information under section 552.103 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, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/em

Ref: ID# 398286

Enc. Submitted documents

c: Requestor  
(w/o enclosures)