



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 15, 2010

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2010-17214

Dear Ms. Villarreal:

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# 400084 (City of Waco Reference No. LG-10-1220).

The Waco Police Department (the "department") received a request for information pertaining to incident report number 10-18309. You state the department has released some of the requested information. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted information includes an accident report form that was completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) states that except as provided by subsections (c) or (e), 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. Transp. Code § 550.065(c)(4). Under this provision, the Department of Public Safety 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 the present request, the requestor has

not provided the department with two of the three pieces of information. Thus, you must withhold the accident report form, which we have marked, under section 550.065(b).¹

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 information made confidential by other statutes. You contend that portions of the remaining information are excepted from disclosure under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). You state the City of Waco is part of an emergency communication district that was established under section 772.318.² You seek to withhold a telephone number and address under section 772.318. We find that if the marked telephone number and address are the originating telephone number and address supplied by a 9-1-1 service supplier, then the department must withhold this information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, if the marked information is not the originating telephone number and address supplied by a 9-1-1 service supplier, then section 772.318 is not applicable to this information, and it must be released to the requestor.

You assert some of the remaining information is excepted under section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release.³ Gov't Code § 552.130(a)(1), (2). We note section 552.130 of the Government Code does not apply to out-of-state motor vehicle information. Upon review, we find the department must withhold the Texas motor vehicle record information we have marked under section 552.130 of the Government Code. The department must also withhold those portions of the indicated photographs that depict Texas license plate numbers and vehicle identification numbers ("VIN"). The remaining information you have marked consists of out-of-state motor vehicle information and may not be withheld under section 552.130.

¹As we are able to make this determination, we do not address your argument against disclosure of portions of the accident report form under section 552.130 of the Government Code.

²Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

³We 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 Texas driver's license numbers, Texas license plate numbers, and any portion of a photograph depicting a Texas license plate under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

In summary, the department must withhold the accident report form, which we have marked, under section 550.065(b) of the Transportation Code. If the marked telephone number and address are the originating telephone number and address supplied by a 9-1-1 service supplier, then the department must withhold this information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department must withhold the information we have marked and the portions of the indicated photographs depicting Texas license plate numbers and VINs under section 552.130. The remaining information must be released.

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 Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 400084

Enc. Submitted documents

c: Requestor
(w/o enclosures)