



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 22, 2012

Ms. Janet I. Monteros  
Assistant County Attorney  
El Paso County  
500 East San Antonio, Room 503  
El Paso, Texas 79901

OR2012-16838

Dear Ms. Monteros:

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# 468605 (ORR# 12-346).

The El Paso County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified accident. You state you have no information responsive to a portion of the request.<sup>1</sup> You also state the sheriff's office has released some of the requested information to the requestor. You claim the submitted information is excepted from disclosure under section 552.111 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You seek to withhold the submitted CR-3 accident report, arguing it should not be released because the form is an unapproved draft. Section 550.065 of the Transportation Code applies to accident report forms reported pursuant to chapter 550 or section 601.004 of the Transportation Code. Section 550.062 states:

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<sup>1</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

(a) A law enforcement officer who in the regular course of duty investigates a motor vehicle accident shall make a written report of the accident if the accident resulted in injury to or the death of a person or damage to the property of any one person to the apparent extent of \$1,000 or more.

(b) The report required by Subsection (a) must be filed with the [Texas Department of Transportation] not later than the 10th day after the date of the accident.

Transp. Code § 550.062(a)-(b). You state the submitted CR-3 report is marked “unapproved” and may later be finalized and approved by the sheriff’s office. You state that the submitted report therefore constitutes a draft document. We note section 550.063 of the Transportation Code states, in pertinent part, “a person who is required to file a written accident report shall report on the appropriate form and shall disclose all information required by the form unless the information is not available.” *Id.* § 550.063. Accordingly, the sheriff’s office is only required to disclose the information to the extent that information is available. *See id.* § 550.063, *see also id.* § 552.068. Upon review of chapter 550 of the Transportation Code, we find no statute requiring the form to be complete. Further, you have not cited any statute that requires the form to be complete. Therefore, we find chapter 550 of the Transportation Code is applicable to the submitted CR-3 report.

Section 550.065(b) of the Transportation Code states that, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. *Id.* § 550.065(b). However, section 550.065(c)(4) provides for 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 pieces of information specified by the statute.<sup>2</sup> In this instance, the requestor has provided the sheriff’s office with the requisite pieces of information pursuant to section 550.065(c)(4). Although you seek to withhold the submitted information under section 552.111 of the Government Code, statutes governing the release of specific information prevail over the general exceptions to disclosure found in the Act. *See Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act).* Accordingly, the submitted CR-3 report must be released in its entirety pursuant to section 550.065(c)(4) of the Transportation Code.

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<sup>2</sup>See Transp. Code § 550.0601 (“department” means Texas Department of Transportation).

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 "Cynthia G. Tynan". The signature is written in a cursive, slightly slanted style.

Cynthia G. Tynan  
Assistant Attorney General  
Open Records Division

CGT/agc

Ref: ID# 468605

Enc. Submitted documents

c: Requestor  
(w/o enclosures)