



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 17, 2012

Lt. Jeffrey Skinner
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704-3827

OR2012-20285

Dear Lt. Skinner:

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# 474623.

The Beaumont Police Department (the "department") received a request for eighteen categories of information pertaining to a specified motor vehicle accident. You indicate the department does not have photographs responsive to category two of the request or information responsive to categories eight, eleven, and fourteen through eighteen.¹ You claim some of the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to categories one, six, seven, ten, twelve, and thirteen of the request. To the extent such information existed on the date the department received the request, we presume the department has released it. If not, the department must do so at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

Next, we note the submitted information includes a CR-3 accident report form 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 subsection (c) or subsection (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) 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 provided the department with all three of the specified items of information. Accordingly, the department must release the submitted CR-3 accident report form to the requestor pursuant to section 550.065(c)(4) of the Transportation Code.

Section 552.130(a) of the Government Code provides the following:

Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
- (2) a motor vehicle title or registration issued by an agency of this state or another state or country; or
- (3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Gov't Code § 552.130(a). You raise section 552.130 for the telephone numbers you have marked in the submitted CR-3 report and the telephone numbers and driver's license number you have indicated in the submitted video recording. We note the telephone numbers you have marked and indicated are not subject to section 552.130 of the Government Code and they may not be withheld on this basis. However, upon review, we agree the department must withhold the driver's license number you have indicated in the video recording under section 552.130 of the Government Code. You state the department lacks the technical capacity to redact the information at issue from this video recording. We therefore conclude the department must withhold the submitted video recording in its entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the department must release the submitted CR-3 accident report form to the requestor pursuant to section 550.065(c)(4) of the Transportation Code. The department must withhold the submitted video recording in its entirety under section 552.130 of the Government Code. As no further exceptions to disclosure are raised for the remaining information, the department must release it.

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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/bhf

Ref: ID# 474623

Enc. Submitted documents

c: Requestor
(w/o enclosures)