



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 10, 2013

Mr. Albert Lopez
Attorney for the City of Laredo
Law Offices of Albert Lopez
14310 Northbrook Drive, Suite 110
San Antonio, Texas 78232

OR2013-05711

Dear Mr. Lopez:

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# 486068.

The City of Laredo (the "city"), which you represent, received a request for documents relating to the investigation of an auto/pedestrian accident. You state that the Texas Peace Officer's Crash Report Form CR-3 has been made available to the requestor. *See* Transp. Code § 550.065(c)(4) (officer's accident report must be released to person who provides two of following three pieces of information: date of accident; name of any person involved in accident; specific location of accident). You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked on the submitted documents and indicated on the submitted audio recordings, is not responsive to the instant request for information because it does not pertain to the specified accident. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.

We note the responsive information consists of a completed investigation subject to section 552.022(a)(1) of the Government Code. Section 552.022(a)(1) provides for the required public disclosure of "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), a completed investigation is expressly public unless it is either excepted under section 552.108 of the Government Code or is made confidential under the Act or other law. You raise section 552.103 of the Government Code for the completed investigation. However, section 552.103 is a discretionary exception that protects a governmental body’s interests and does not make information confidential under the Act. *See 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 section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the submitted information may not be withheld under section 552.103 of the Government Code. We note portions of the completed investigation are subject to section 552.130 of the Government Code.¹ Because section 552.130 makes information confidential under the Act, we will address the applicability of this section to the completed investigation.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public release. Gov’t Code § 552.130(a). The city must withhold the motor vehicle record information we have marked, including the motor vehicle record information we have noted on the submitted disks, pursuant to section 552.130 of the Government Code.

In summary, the city must withhold the information we have marked and indicated under section 552.130 of the Government Code. The city must release the remaining responsive information.²

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,

¹ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

² The requestor has a special right of access to some of the information being released in this instance. *See* Gov’t Code § 552.023(a) (“[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Accordingly, if the city receives another request for this same information from another requestor, it must again seek a ruling from this office.

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, appearing to read 'Tim Neal', with a stylized, cursive script.

Tim Neal
Assistant Attorney General
Open Records Division

TN/eb

Ref: ID# 486068

Enc. Submitted documents

cc: Requestor
(w/o enclosures)