



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 24, 2014

Mr. James Kopp
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283

OR2014-12877

Dear Mr. Kopp:

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# 528588 (COSA File no. W026806).

The City of San Antonio (the "city") received a request for all records of motor vehicle accidents pertaining to all Waste Management service vehicles over a specified time period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the city has only submitted a spreadsheet with five categories of information in response to the present request for information. You argue in your brief the "requested traffic accident reports are protected from disclosure under section 552.101 of the Public Information Act in conjunction with section 550.065 of the Texas Transportation Code." However, you did not submit the requested traffic accident reports for our review. Nor have you submitted any other information responsive to the request. Accordingly, to the extent the requested traffic accident reports and any other information responsive to the request for information existed in the possession of the city when it received the request, we assume the city has released this information to the requestor. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If the city has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

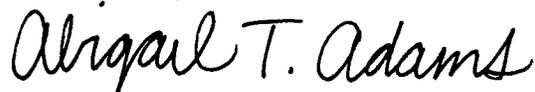
Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes, such as section 550.065(b) of the Transportation Code. Section 550.065(b) states that except as

provided by subsection (c) or subsection (e), accident reports are privileged and confidential. *See* Transp. Code § 550.065. You claim the submitted information is subject to section 550.065 of the Transportation Code. Section 550.065 applies only to accident report forms completed pursuant to chapter 550 or section 601.004 of the Transportation Code. *See id.*; *see also id.* § 550.064 (discussing information required in accident report form). Upon review, we find the submitted information consists of a spreadsheet of the specified locations and types of vehicle accidents during a specified time period, which was not completed pursuant to chapter 550 or section 601.004 of the Transportation Code. Therefore, the submitted information is not subject to section 550.065 of the Transportation Code and may not be withheld under section 552.101 on that basis.¹ As you raise no further exceptions to disclosure, the submitted 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Abigail T. Adams
Assistant Attorney General
Open Records Division

ATA/ac

Ref: ID# 528588

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹Although you reference *The City of San Antonio v. Greg Abbott, Tex. Attorney Gen.*, No. 03-11-00668-CV (Tex. App.—Austin Apr. 10, 2014)(mem. op.), we note a petition for review, 14-0542, was filed with the Texas Supreme Court on July 14, 2014.