



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 16, 2014

Ms. Judy Hickman
Records Division
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704

OR2014-18648

Dear Ms. Hickman:

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# 545403.

The Beaumont Police Department (the "department") received a request for information pertaining to any automobile accidents on a specified date. 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.

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. This section encompasses information protected by other statutes, such as chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). You generally assert the submitted information should be withheld because the requestor will use this information to circumvent the protections provided by section 550.065 of the Transportation Code. Section 550.065(b) states that except as provided by subsection (c), accident reports are privileged and confidential. *See id.* § 550.064. 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. *Id.* § 550.065(c)(4). We note the submitted information does not contain any accident reports subject to section 550.065 of the Transportation Code and, therefore, none of the submitted

information may be withheld on that basis. However, you explain you believe the submitted information should be withheld because its release would provide the requestor the information required to obtain the information listed in section 550.065(c)(4) and thus gain access to CR-3 accident report forms. We note a governmental body is prohibited from inquiring as to how the requestor plans to use the information. *See* Gov't Code § 552.222(a). Additionally, an officer for public information is not responsible for the use that may be made of information released to the public under the Act. *See id.* § 552.204; Open Records Decision No. 508 at 3 (1988) (use that maybe made of information does not control whether it falls within exception to disclosure). Therefore, the department may only withhold the submitted information if it is excepted from disclosure under the Act or made confidential by law. As you raise no other 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 545403

Enc. Submitted documents

c: Requestor
(w/o enclosures)