



September 5, 2001

Ms. Deanie Bostick-Martin
Records System Supervisor
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2001-3939

Dear Ms. Bostick-Martin:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 151523.

The City of Lubbock (the "city") received a request for specific accident reports. The requestor merely seeks access to, as opposed to copies of, the accident reports. You contend that the city is prohibited from providing free access to the requested information. You have provided this office with a representative sample of the documents at issue.

The Public Information Act's exceptions do not, as a general rule, apply to information made public by other statutes. *See* Open Records Decision No. 525 (1989). Access to accident reports completed pursuant to chapter 550 of the Transportation Code is governed by law other than the Public Information Act. Section 550.065(b) of the Transportation Code provides that except as provided by subsection (c), accident reports are privileged and confidential. The Seventy-seventh Legislature amended section 550.065(c)(4) to provide for 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. *See* Act of May 22, 2001, 77th Leg., R.S., H.B. 1544, § 5 (to be codified at Transp. Code § 550.065(c)(4)). Under this provision, a law enforcement agency employing a peace officer who made an accident report is required to release a copy of an accident report to a person who provides the law enforcement agency with two or more pieces of information specified by the statute. *See id.* In this instance, the requestor appears to have provided the city with the required information to obtain the

accident reports. Thus, section 550.065(c)(4) entitles the requestor to a copy of the accident reports at issue.

You note, however, that the requestor does not seek a copy of the accident reports, but rather only access to them. Section 550.065 provides only for the required release of a copy of the accident reports. The Transportation Code also provides for the costs associated with these copies. *See* Transp. Code § 550.065(d); *see also* Gov't Code § 552.262 (General Services Commission establishes charges for copies "except to the extent that other law provides for charges for specific kinds of public information"); *but see* Gov't Code § 552.271 (governmental body may not charge for inspection of records). We, therefore, conclude that the city is required only to provide a copy of the accident reports at the statutorily mandated cost.¹

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

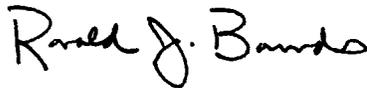
¹If you have any other concerns over the costs associated with providing the requestor with accident reports, we suggest that you contact the Open Records Administrator for the General Services Commission. *See* Gov't Code § 552.262; *see also* Gov't Code §§ 552.261-.273.

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Ronald J. Bounds
Assistant Attorney General
Open Records Division

RJB/RWP/seg

Ref: ID# 151523

Enc. Submitted documents

c: Ms. Kristyn Aguero
Prada Publishing, Inc.
c/o City of Lubbock
(w/o enclosures)