



June 24, 2002

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2002-3432

Dear Ms. Graham:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 164755.

The Mesquite Police Department (the "department") received a request for "call sheet #0203328." You claim that some of the requested information is excepted from disclosure under section 552.130 of the Government Code. You also ask whether the responsive information is subject to section 550.065 of the Transportation Code. We have considered the exception you claim and reviewed the submitted information.

Section 550.065 of the Transportation Code governs access to accident reports that have been completed pursuant to chapter 550 of the Transportation Code. Section 550.065 provides in pertinent part:

(a) This section applies only to information that is held by [the Texas Department of Public Safety] or another governmental entity and relates to a motor vehicle accident reported under this chapter or Section 601.004 [of the Transportation Code].

(b) Except as provided by Subsection (c), the information is privileged and for confidential use of:

(1) the [Texas Department of Public Safety]; and

- (2) an agency of the United States, this state, or a local government of this state that has use for the information for accident prevention purposes.

Transp. Code § 550.065(a)-(b). Although you acknowledge that the requestor seeks a copy of the call sheet and not the accident report, you state that the information describing the vehicles involved in the accident at issue would have been included in an accident report had one been created. We note that there is no legislative indication that section 550.065 was intended to encompass any records other than those prepared in accordance with chapter 550 or section 601.004 of the Transportation Code. *See* Hearings on Tex. H.B. 1544; *see also* Open Records Decision No. 643 at 2-3 (citing *Buckner Glass & Mirror, Inc. v. T.A. Pritchard Co.*, 697 S.W.2d 712 (Tex. App.--Corpus Christi 1985, no writ) (when legislature amends a law, it is presumed to have intended to change the law).. Since the call sheet at issue is not an accident report prepared in accordance with chapter 550 or section 601.004 of the Transportation Code, we conclude that the document is not subject to the provisions of section 550.065.

The department claims that some of the submitted information may be excepted under section 552.130. Section 552.130 of the Government Code is applicable to motor vehicle record information. Section 552.130 provides in relevant part:

- (a) Information is excepted from [required public disclosure] if the information relates to:

....

- (2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130(a)(2). Generally, Texas license plate numbers, vehicle title information, and vehicle identification numbers must be withheld from public disclosure in accordance with section 552.130. We note, however, that some of the information subject to section 552.130 may belong to the requestor. Under section 552.023(a) of the Government Code, "[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." Therefore, if the requestor has an ownership interest in a vehicle to which the license plate numbers, title information, and vehicle identification numbers pertain, then that information must be released to her pursuant to section 552.023. *See also* Open Records Decision No. 481 at 4 (1987) (privacy theories are not implicated when an individual asks a governmental body to provide him with information concerning himself). The license plate numbers, title information, and vehicle identification numbers not belonging to the requestor must be withheld under section 552.130.

In summary, unless the requestor has a special right of access to her own information, the department must withhold the Texas license plate, vehicle title information, and vehicle identification numbers from public disclosure in accordance with section 552.130. The remainder of the requested information must be released to the requestor.

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).

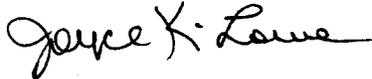
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following 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).

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 Texas Building and Procurement 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. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,

A handwritten signature in black ink that reads "Joyce K. Lowe". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joyce K. Lowe
Assistant Attorney General
Open Records Division

JKL/sdk

Ref: ID# 164755

Enc: Submitted documents

c: Ms. Remona Chiakpo
2905 Robin Lane
Mesquite, Texas 75149
(w/o enclosures)