



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 17, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, TX 76702-2570

OR2009-02044

Dear Ms. Villarreal:

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# 338858.

The City of Waco (the "city") received a request for information pertaining to a specified incident. You claim that portions of the submitted accident report and accompanying 9-1-1 call sheet are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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," and encompasses information made confidential by other statutes. Gov't Code § 552.101. The city has marked the originating telephone numbers of 9-1-1 callers from the submitted 9-1-1 call sheet, and you seek to withhold these numbers under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). We understand the city to be

part of an emergency communication district that was established under section 772.318.¹ Thus, we determine that the phone numbers you have highlighted are excepted from public disclosure under section 552.101 in conjunction with section 772.318 of the Health and Safety Code.

We now address the submitted accident report, which is a CR-3 accident report form completed pursuant to chapter 550 of the Transportation Code and encompassed by section 552.101 of the Government Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) states that except as provided by subsection (c), accident reports are privileged and confidential. 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). Under this provision, the Texas Department of Transportation or another governmental entity is required to release a copy of an accident report to a person who provides the agency with two or more pieces of information specified by the statute. *Id.* In this instance, the requestor has not provided two of the three pieces of required information. Thus, the city must withhold the submitted accident report from this requestor in its entirety under section 552.101 in conjunction with section 550.065(b). We note that, should the requestor provide the city with requisite information pursuant to section 550.065(c)(4), the city must release the submitted accident form in its entirety.²

In summary, the city must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Services Code. The city must also withhold the submitted accident report under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

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, 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

¹Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

²Although you contend that some information in this report is also excepted from disclosure under section 552.130 of the Government Code, the exceptions found in the Act generally do not apply to information that is made public by other statutes. *See* Open Records Decision No. 525 (1989) (statutory predecessor). We also note that section 552.130 only applies to driver's license and motor vehicle registration information issued by the state of Texas. *See* Gov't Code § 552.130.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "Reg Hargrove", with a long horizontal flourish extending to the right.

Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 338858

Enc. Submitted documents

c: Requestor
(w/o enclosures)