



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 20, 2009

Mr. Gregory A. Alicie
Open Records Specialist
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR2009-05174

Dear Mr. Alicie:

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# 340352.

The Baytown Police Department (the "department") received two requests for five categories of information pertaining to a specific accident. You state the department will redact social security numbers pursuant to section 552.147 of the Government Code.¹ You claim some of the submitted information is exempted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the submitted documents include CRB-3 and CR-3C accident report forms completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064. Section 550.065(b) states that except as provided by subsection (c), accident reports are privileged and confidential. *See id.* § 550.065(b). Section 550.065(c)(4) provides for the release of the accident report to a person who provides two or more of the following three pieces of information: (1) date of the accident; (2) specific location of the accident; and (3) name of any person involved in the accident. *Id.* § 550.065(c)(4). Under this

¹We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

provision, a governmental entity is required to release a copy of an accident report to a person who provides the governmental entity with two or more pieces of information specified by the statute. *See id.* In this instance, one of the two requestors has provided the department with two of the three pieces of information. Thus, the department must release the submitted CRB-3 and CR-3C accident report forms to this requestor under section 550.065(c). However, the second requestor did not provide two of the required pieces of information; accordingly, the submitted CRB-3 and CR-3C forms must be withheld from this requestor under section 552.101 in conjunction with section 550.065(b) of the Transportation Code.

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime.” Gov’t Code § 552.108(a). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the information you have highlighted in orange, the submitted CD, and the submitted audio recording relate to a pending criminal investigation. Based upon this representation and our review, we conclude that the release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d. Thus, we agree that the department may withhold the information you have highlighted in orange, the submitted CD, and the submitted audio recording under section 552.108(a)(1) of the Government Code.²

Section 552.130 of the Government Code excepts from disclosure information that relates to a driver’s license or motor vehicle title or registration issued by an agency of this state. Gov’t Code § 552.130. Accordingly, the department must withhold the Texas motor vehicle record information you have highlighted in pink under section 552.130 of the Government Code.

In summary, pursuant to section 550.065(c) of the Transportation Code, the department must release the submitted CRB-3 and CR-3C accident report forms to the requestor who provided the requisite information. However, the department must withhold the CRB-3 and CR-3C accident report forms from the second requestor under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code. The department may withhold the information you have highlighted in orange, the submitted CD, and the submitted audio recording under section 552.108(a)(1) of the Government Code. The department must withhold the Texas motor vehicle record information you have highlighted

²As our ruling is dispositive for this information, we need not address your remaining argument against disclosure of a portion of this information.

in pink under section 552.130 of the Government Code. The remaining 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.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 information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/eeg

Ref: ID# 340352

Enc. Submitted documents

cc: Requestor
(w/o enclosures)