



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 6, 2009

Mr. Scott A. Kelly
Deputy General Counsel
The Texas A&M University System
200 Technology Way, Suite 2079
College Station, Texas 77845-3424

OR2009-14066

Dear Mr. Kelly:

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# 357449.

The Texas A&M University Police Department (the "department") received a request for information related to a specified auto accident. You claim that portions of the requested information are excepted from disclosure under sections 552.1175, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state that the submitted information contains a form CR-3 completed pursuant to chapter 550 of the Transportation 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, a governmental entity is required to release a copy of an accident report to a person who provides the entity with two or more pieces of information specified by the statute. *Id.* Here, the requestor has provided the department with two of the three of the required pieces of information. Although you contend that portions of the accident report are excepted from disclosure under section 552.1175 of the Government Code, the exceptions found in the Act generally do not apply to information that is made public by other statutes. *See, e.g.,* Open Records Decision

Nos. 544 (1990), 378 (1983), 161 (1977), 146 (1976). Thus, the department must release the CR-3 accident report, which we have marked, in its entirety to this requestor pursuant to section 550.065(c)(4) of the Transportation Code.

Section 552.1175 of the Government Code provides in part:

(b) Information that relates to the home address, home telephone number, or social security number of [a peace officer as defined by article 2.12 of the Code of Criminal Procedure], or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Id. § 552.1175(b). You inform us that the information at issue pertains to a licensed peace officer. In addition, you inform us that the officer at issue elected to restrict access to this information before the receipt of this request. Therefore, the department must withhold the personal information pertaining to this officer, which you have marked, in the remaining information, under section 552.1175 of the Government Code.

Section 552.130 excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code* § 552.130(a)(1), (2). Upon review, we find that the information we have marked for release is not protected under section 552.130. Accordingly, except where marked for release, the department must withhold the Texas motor vehicle record information you have marked, as well as the additional information we have marked, pursuant to section 552.130 of the Government Code.

Section 552.136 of the Government Code states that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b). Accordingly, the department must withhold the insurance policy number you have marked under section 552.136 of the Government Code.

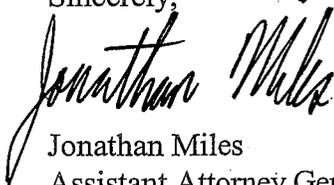
In summary, the department must release the CR-3 accident report, which we have marked, in its entirety to this requestor pursuant to section 550.065(c)(4) of the Transportation Code. The department must withhold the information it has marked pursuant to section 552.1175 of the Government Code in the remaining information. The department must also withhold

the marked Texas motor vehicle information pursuant to section 552.130 of the Government Code and the marked insurance policy number pursuant to section 552.136 of the Government Code. The remaining information must be released.¹

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, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/dls

Ref: ID# 357449

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the requestor has a special right of access to some of the information being released in this instance. Gov't Code § 552.023 (person or person's authorized representative has a special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests). Because such information may be confidential with respect to the general public, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office.