



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 12, 2010

Mr. Robert Reyna  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR2010-05078

Dear Mr. Reyna:

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# 379513 (COSA File No. 2010-5291).

The City of San Antonio (the "city") received a request for a specified police report. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note that the submitted documents include accident report forms that appear to have been completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (Texas Peace Officer's Accident Report form). Section 550.065(b) of the Transportation Code 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. Transp. Code § 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 of the items of information specified by the statute. *Id.* Thus, if the requestor has provided the required information, the city must release the accident reports pursuant to section 550.065(c)(4) of the Transportation Code. If

the requestor has not provided two or more of the required pieces of information, the city must withhold the accident reports under section 550.065(c) of the Transportation Code

Generally, a governmental body claiming section 552.108(a)(1) 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). We note that the submitted information includes a statutory warning and notice of suspension. Because a copy of these documents, which we have marked, have been provided to the arrestee, we find that their release will not interfere with the detection, investigation, or prosecution of crime. *See Gov't Code* § 552.108(a)(1). Therefore, the department may not withhold the statutory warning or notice of suspension under section 552.108(a)(1).

We note that the statutory warning contains information that is subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides that information relating to a motor vehicle operator's license or driver's license issued by a Texas agency is excepted from public release: *Id.* § 552.130(a)(1). Upon review, we find the city must withhold the Texas driver's license number we have marked in the statutory warning and notice of suspension under section 552.130 of the Government Code.<sup>2</sup>

We further note the remaining information at issue was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2009-17765 (2009). In that ruling, we determined that the city may withhold the rest of information at issue under section 552.108(a)(1) of the Government Code, except for the basic information that must be released under section 552.108(c). As we have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the sheriff may continue to rely on Open Records Letter No. 2009-17765 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling. *See Open Records Decision No. 673 (2001)* (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

In summary, if the requestor has provided the required information, the city must release the accident reports pursuant to section 550.065(c)(4) of the Transportation Code. If the

---

<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).*

<sup>2</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers, under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

requestor has not provided two or more of the required pieces of information, the city must withhold the accident reports under section 550.065(c) of the Transportation Code. Except for the notice of suspension and statutory warning, the city may rely on Open Records Letter No. 2009-17765 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling. In releasing the notice of suspension and statutory warning, the city must withhold the information we have marked under section 552.130 of the Government 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](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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 379513

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)