



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 18, 2011

Mr. R. Brooks Moore  
Assistant General Counsel  
The Texas A&M University System  
200 Technology Way, Suite 2079  
College Station, Texas 77845-3424

OR2011-02544

Dear Mr. Moore:

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# 409490 (TAMU Request No. 10-622).

Texas A&M University (the "university") received a request for information relating to a traffic accident. You state Texas driver's license and license plate numbers have been redacted from the submitted information pursuant to the previous determination issued under section 552.130 of the Government Code in Open Records Decision No. 684 (2009).<sup>1</sup> You indicate some of the submitted information has been released. You claim other responsive information is excepted from disclosure under section 552.130. We have considered the exception you claim and reviewed the information you submitted.

We note that, according to the submitted incident report, the university's police department prepared a related accident report pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). Section 550.065(b) of the Transportation Code states that except as provided by subsections(c) or (e), accident reports completed pursuant to chapter 550 of the Transportation Code are privileged and

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<sup>1</sup>We note Open Records Decision No. 684 is a previous determination issued by this office authorizing all governmental bodies to withhold ten categories of information, including Texas driver's license and license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

confidential.<sup>2</sup> *See id.* § 550.065(b). Section 550.065(c)(4) provides for the release of an accident report to a person who provides two of the following three items of information: (1) the date of the accident; (2) the name of any person involved in the accident; and (3) the specific location of the accident. *See 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 of the items of information specified by the statute. *See id.* We note the exceptions to disclosure found in the Act are generally not applicable to information another statute makes public. *See Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989).* In this instance, the requestor has provided the university with the date of the accident and the name of a person involved in the accident. It is not clear, however, whether the requestor seeks access to the related accident report. Nevertheless, if the requestor does seek access to the accident report, then the university must release the report to the requestor in its entirety pursuant to section 550.065(c)(4) of the Transportation Code.

Section 552.130 of the Government Code exempts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code* § 552.130(a)(1)-(2). The university must withhold the Texas driver's license and motor vehicle information we have marked under section 552.130 of the Government Code. We note the instant request for information was made on behalf of an insurer of one of the persons involved in the accident. Thus, because section 552.130 protects personal privacy, the requestor has a right of access to the insured party's Texas driver's license and motor vehicle information. *See Gov't Code* § 552.023; *Open Records Decision No. 481 at 4 (1987)* (privacy theories not implicated when individual requests information concerning himself).<sup>3</sup> Therefore, the Texas driver's license and motor vehicle information relating to the insured party may not be withheld under section 552.130 and must be released.

In summary: (1) if the requestor seeks access to the related accident report, the university must release it pursuant to section 550.065(c)(4) of the Transportation Code; and (2) the university must withhold the Texas driver's license and motor vehicle information we have marked under section 552.130 of the Government Code, but must release the insured party's Texas driver's license and motor vehicle information pursuant to section 552.023 of the Government Code. The university also must release the rest of the submitted information unless it has already done so.

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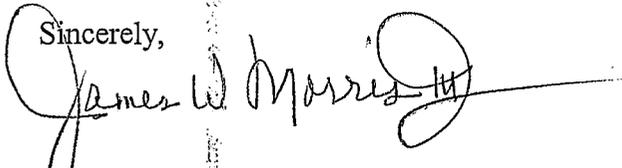
<sup>2</sup>Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Gov't Code* § 552.101. This exception encompasses information other statutes make confidential.

<sup>3</sup>Section 552.023 of the Government Code provides in part that "[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." *Gov't Code* § 552.023(a).

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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal stroke extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 409490

Enc: Submitted documents

c: Requestor  
(w/o enclosures)