



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 16, 2012

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

OR2012-05373

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# 450763.

The Baytown Police Department (the "department") received three requests for information related to a specified accident. You indicate some information has been or will be released to the requestors, including a copy of the CR-3 accident report form. *See* Transp. Code § 550.065(c)(4), (d) (officer's accident report must be released to person who provides two of following three pieces of information: date of accident; name of any person involved in accident; specific location of accident). We understand 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 excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license, title, or registration issued an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(2). In this instance, the second requestor is the authorized representative of one of the individuals listed in the submitted information. We note section 552.130 protects privacy interests. Therefore, the second requestor has a right of access under section 552.023 of the Government Code to his client's motor vehicle record information, and the department may not withhold that information under section 552.130 of the Government Code. *See generally id.* § 552.023 ("A person or

¹We note section 552.147(b) 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.

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."); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). However, the department must withhold that information from the remaining requestors under section 552.130. The department must withhold the remaining motor vehicle record information you have marked in the submitted documents under section 552.130 of the Government Code from all the requestors. You claim the department does not have the technological capacity to redact the motor vehicle record information in the video recording you have marked. Therefore, the department must withhold the video recording you have marked, and the additional video recording we have marked, in their entirety under section 552.130 of the Government Code. As you raise no further exceptions to disclosure, the department must release the remaining information.

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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 450763

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)