



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 2, 2013

Ms. Monique Auchey
Records Custodian
Leander Police Department
705 Leander Drive
Leander, Texas 78641

OR2013-00012

Dear Ms. Auchey:

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# 474918.

The Leander Police Department (the "department") received a request for information concerning a specified accident. You state the department has released some of the information with redactions pursuant to 552.1175 of the Government Code.¹ You claim the submitted video recordings are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we address the information you have redacted from the submitted CR-3 crash report form under section 552.130 of the Government Code. This report was 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) or (e), accident reports are privileged and confidential. *Id.* § 550.065(b). Section 550.065(c)(4) provides for the release of accident reports to a person who provides at least two of the following three pieces 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. *Id.* § 550.065(c)(4). In this instance, the requestor has provided the department with two of the three required pieces of information specified by the statute. Accordingly, the requestor has a right of access to the

¹Section 552.1175 of the Government Code permits a governmental body to redact certain personal information without seeking a ruling from this office. *See id.* § 552.1175(f).

CR-3 crash report. *See* Open Records Decision Nos. 623 at 3 (1994) (exceptions in Act inapplicable to information statutes expressly make public), 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act).

Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a)(1)–(2). A statutory right of access generally prevails over the Act's exceptions to public disclosure. However, because section 552.130 has its own access provisions, we conclude section 552.130 is not a general exception under the Act. Thus, we must address the conflict between the access provided under section 550.065 of the Transportation Code and the confidentiality provided under section 552.130. Where information falls within both a general and a specific provision of law, the specific provision prevails over the general. *See Horizon/CMS Healthcare Corp. v. Auld*, 34 S.W.3d 887, 901 (Tex. 2000) (“more specific statute controls over the more general”); *Cuellar v. State*, 521 S.W.2d 277 (Tex. Crim. App. 1975) (under well-established rule of statutory construction, specific statutory provisions prevail over general ones); Open Records Decision Nos. 598 (1991), 583 (1990), 451. In this instance, section 550.065 specifically provides access only to crash reports of the type at issue, while section 552.130 generally excepts motor vehicle record information maintained in any context. Thus, we conclude the access to crash reports provided under section 550.065 is more specific than the general confidentiality provided under section 552.130. Accordingly, the department may not withhold any portion of the CR-3 crash report form under section 552.130 and must release the report form in its entirety.

As previously noted, section 552.130 excepts certain motor vehicle record information from disclosure. *See* Gov't Code § 552.130(a)(1)–(2). We note some of the motor vehicle record information you have redacted relates to the requestor's client. Because section 552.130 protects personal privacy, we find the requestor in this case has a right of access to his client's motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a), (b) (individual has special right of access to information that relates to himself and is protected by laws intended to protect his privacy interests, and governmental body may not deny access on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (privacy theories not implicated when individual requests information concerning himself). Accordingly, the department may not withhold the information you have redacted that relates to the requestor's client under section 552.130. Additionally, you have redacted vehicle identification numbers pursuant to section 552.130. Section 552.130 does not authorize a governmental body to withhold this information without requesting a decision from this office.² Nonetheless, we agree the

²Section 552.130 authorizes a government body to redact information subject to sections 552.130(a)(1) and 552.130(a)(3) without requesting a decision from this office. *See* Gov't Code § 552.130(c)–(e). Vehicle identification numbers are subject to section 552.130(a)(2) of the Government Code.

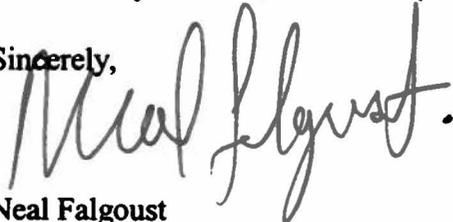
department must withhold the vehicle identification numbers you have redacted that do not relate to the requestor's client under section 552.130 of the Government Code. The submitted video recordings also contain motor vehicle record information that is subject to section 552.130 of the Government Code. Upon review, we agree the department must withhold any motor vehicle record information that does not relate to the requestor's client under section 552.130 of the Government Code. However, you state the department does not have the technological capability to redact this information from these video recordings. Thus, we conclude the department must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code.

In summary, the department must release the CR-3 crash report in its entirety pursuant to chapter 550 of the Transportation Code. The department must release any motor vehicle record information that relates to the requestor's client. However, it must withhold the vehicle identification numbers that do not relate to the requestor's client and the submitted video recordings under section 552.130 of the Government Code.³

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

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³The requestor has a right of access to some of the information being released. If the department receives another request for this same information from a different requestor, it must again seek a ruling from this office.

Ref: ID# 474918

Enc. Submitted documents

c: Requestor
(w/o enclosures)