



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 28, 2013

Mr. Brian Risinger
Criminal District Attorney
Madison County
101 West Main, Room 207
Madisonville, Texas 77864

OR2013-01570

Dear Mr. Risinger:

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# 480809.

The Madison County Criminal District Attorney's Office (the "district attorney's office") received a request for all information pertaining to a specified accident. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Initially, we note the submitted information contains a CR-3 accident report form 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 subsection (e), accident reports are privileged and confidential. *See id.* § 550.065(b). 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) 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). Under this provision, the Texas Department of Transportation or another

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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.* In this instance, the requestor has provided the district attorney's office with at least two of the specified items of information. Although you seek to withhold the submitted CR-3 accident report form under sections 552.103 and 552.108, statutes governing the release of specific information prevail over the general exceptions to disclosure in the Act. *See* Open Records Decision Nos. 613 at 4 (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provision overcome general exceptions to disclosure under the Act). Accordingly, the district attorney's office must release the submitted CR-3 accident report form to this requestor in its entirety pursuant to section 550.065(c)(4) of the Transportation Code.

Next, we note the remaining submitted information contains the results of an analysis of a blood specimen. Section 724.018 of the Transportation Code provides, "[o]n the request of a person who has given a specimen at the request of a peace officer, full information concerning the analysis of the specimen shall be made available to the person or the person's attorney." Transp. Code § 724.018. In this instance, the requestor is the attorney for the individual who submitted the specimen at the request of a peace officer. As noted above, although you seek to withhold the analysis of the blood specimen under sections 552.103 and 552.108, a specific right of access prevails over the exceptions in the Act. *See* Open Records Decision Nos. 613, 451. Therefore, the analysis of the blood specimen, which we have marked, must be released to the requestor pursuant to section 724.018 of the Transportation Code.

Finally, we address your claim under section 552.108 of the Government Code for the remaining submitted information. Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us the release of the remaining information would interfere with a pending criminal prosecution. Based on your representations and our review, we conclude the release of the remaining submitted information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests present in active cases). Thus, section 552.108(a)(1) is applicable to the remaining submitted information.

Section 552.108, however, does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; *see also* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information considered

to be basic information). Thus, with the exception of basic information, the district attorney's office may withhold the remaining submitted information under section 552.108(a)(1) of the Government Code.²

In summary: (1) the district attorney's office must release the CR-3 accident report form in its entirety pursuant to section 550.065(c)(4) of the Transportation Code; (2) the district attorney's office must release the analysis of the blood specimen we marked pursuant to section 724.018 of the Transportation Code; and (3) with the exception of basic information, the remaining submitted information may be withheld under section 552.108(a)(1) 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, 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/eb

Ref: ID# 480809

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to resolve this matter under section 552.108, we do not address your remaining arguments against disclosure, except to note basic information may not be withheld from public disclosure under section 552.103 of the Government Code. Open Records Decision No. 597 (1991).