



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 7, 2014

Sergeant Michael Munson
Custodian of Records
Webster Police Department
217 Pennsylvania Avenue
Webster, Texas 77598

OR2014-03938

Dear Sergeant Munson:

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# 516079.

The Webster Police Department (the "department") received a request for twelve categories of information related to a specified motor vehicle accident. You state the department has released some of the requested information to the requestor. You further state the department has no information responsive to the portions of the request for a license and weight report, an offense report, and categories four through twelve.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 submitted information.

Initially, we note one of the submitted documents, which we have marked, is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the department is not required to release non-responsive information in response to this request.

We next note the submitted documents include a CR-3 accident report form completed pursuant to chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's

¹*See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App. – San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

accident report). Section 550.065(b) states that, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. *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 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 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 department with the three specified items of information. Accordingly, the department must release the submitted CR-3 accident report to this requestor pursuant to section 550.065(c)(4) of the Transportation Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Upon review, we determine the department must withhold the license plate information we have marked in the submitted event report under section 552.130(a)(2) of the Government Code. We also find one of the submitted 9-1-1 audio recordings contains motor vehicle record information subject to section 552.130. You claim the department lacks the technical capability to redact the section 552.130 information from the audio recording. However, because the department had the ability to copy the audio recordings in order to submit the requested information for our review, we believe the department has the capability to produce a copy of only the non-confidential portions of the submitted audio recordings. Therefore, we find the department also must withhold the motor vehicle record information in the audio recording at issue under section 552.130 of the Government Code. The department may not withhold any portion of the remaining information in the submitted audio recordings under section 552.130.

In summary, the department must release the submitted CR-3 accident report to this requestor pursuant to section 550.065(c)(4) of the Transportation Code. The department must withhold the license plate information we have marked in the submitted event report and the motor vehicle record information in the audio recording under section 552.130(a)(2) of the Government Code. The remaining submitted information must be released.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 516079

Enc. Submitted documents

c: Requestor
(w/o enclosures)