



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2014

Ms. Amy L. Sims
Assistant City Attorney
Office of the City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR2014-20619

Dear Ms. Sims:

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# 549883 (ORR# 1039).

The City of Lubbock (the "city") received a request for case number 14-0018322. You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim.

Initially, you state the requested information was the subject of a previous request for information to the city's police department (the "department"), as a result of which this office issued Open Records Letter No. 2014-19646 (2014). In that ruling, we determined the department must release the CR-3 accident report pursuant to section 550.065(c)(4) of the Transportation Code; must release court-filed documents pursuant to section 552.022(a)(17) of the Government Code, but must withhold the motor vehicle record information we marked under section 552.130 of the Government Code; must release the basic information; and may withhold the remaining information under section 552.108(a)(1) of the Government Code. However, while the requestor in Open Records Letter No. 2014-19646 had a right of access to the CR-3 accident report at issue, the instant request involves a different requestor who does not have the same right of access to the CR-3 accident report. Thus, the circumstances have changed with the CR-3 accident report, and the city may not rely on Open Records Letter No. 2014-19646 as a previous determination with respect to that information. We

have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based with respect to the remaining information at issue. Accordingly, with the exception of the requested CR-3 accident report, we conclude the city may rely on Open Records Letter No. 2014-19646 as a previous determination and withhold or release the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, we will consider whether the CR-3 accident report from the instant requestor.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses information protected by other statutes, such as chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer’s accident report). Section 550.065(b) states, except as provided by subsection (c) or subsection (e), accident reports are privileged and confidential. Section 550.065(c)(4) provides for release of accident reports to a person who provides two of the following three pieces of information: (1) date of the accident; (2) name of any person involved in the accident; and (3) 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 pieces of information specified by the statute. The requested information contains a CR-3 Texas Peace Officer’s Crash Report. In this instance, the requestor has not provided the city with two of the three pieces of required information pursuant to section 550.065(c)(4). Accordingly, the city must withhold the requested CR-3 report under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

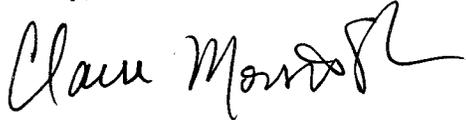
In summary, with the exception of the requested CR-3 accident report, the city may rely on Open Records Letter No. 2010-11645 as a previous determination and withhold or release the identical information in accordance with that ruling. The city must withhold the requested CR-3 report from this requestor under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation 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.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,

A handwritten signature in black ink, appearing to read "Claire Morris Sloan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 549883

c: Requestor