



January 27, 2015

Ms. Sarah W. Langlois
Counsel for Spring Branch Independent School District
Rogers, Morris & Grover
5718 Westheimer Road, Suite 1200
Houston, Texas 77057

OR2015-01515

Dear Ms. Langlois:

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# 551397.

The Spring Branch Independent School District (the "district"), which you represent, received a request for the following information during a specified time period: (1) a list of the district's bus vendors and each vendor's subcontractors; (2) all complaints regarding the bus vendors, buses, or drivers; (3) the contracts, amendments, and addendums with the bus vendors; (4) a list of each bus vendor's drivers; (5) a list of bus or other transportation vendors that parents can or have hired to provide transportation of their children to or from school; and (6) all district police reports involving bus accidents. You state the district has made information responsive to the first four categories of the request available to the requestor. You state the district does not have information responsive to the fifth category of the request.¹ You claim the submitted information is excepted from disclosure under

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

sections 552.101, 552.102, and 552.117 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted representative sample of information.³

Section 552.101 of the Government Code excepts from public 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 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 submitted information contains CR-3 Texas Peace Officer’s Crash Reports. In this instance, the requestor has not provided the district with two of the three pieces of required information pursuant to section 550.065(c)(4). Accordingly, the district must withhold the submitted CR-3 reports, which we have marked, under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.⁴ However, we find the remaining information was not completed pursuant to chapter 550 of the Transportation Code. Therefore, the remaining information is not subject to section 550.065 of the Transportation Code and may not be withheld under section 552.101 of the Government code on that basis.

Section 552.101 of the Government Code also encompasses section 58.007 of the Family Code, which provides, in relevant part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

²Although you do not raise section 552.117 of the Government Code in your brief, we understand you to raise this exception based on your markings.

³We 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.

⁴As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapters B, D, and E.

Fam. Code § 58.007(c). Juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision that occurred on or after September 1, 1997, are confidential under section 58.007. *See id.* § 51.03(a) (defining “delinquent conduct”). For purposes of section 58.007(c), “child” means a person who is ten years of age or older and under seventeen years of age when the conduct occurred. *See id.* § 51.02(2). We note section 58.007 does not make information relating to traffic offenses confidential. *See id.* §§ 51.02(16) (defining traffic offense), .03(a) (delinquent conduct does not include traffic offense), .03(b) (conduct indicating need for supervision does not include traffic offense). We note the remaining information at issue pertains to traffic offenses. Upon review, we find you have failed to demonstrate the applicability of section 58.007(c) of the Family Code to the remaining information at issue. Accordingly, the district may not withhold the remaining information at issue under section 552.101 of the Government Code on the basis of section 58.007 of the Family Code.

Section 552.117(a)(1) excepts from disclosure the home addresses and telephone numbers, emergency contact information, social security numbers, and family member information of a current or former official or employee of a governmental body who requests that this information be kept confidential under section 552.024 of the Government Code. *See Gov’t Code* §§ 552.024, .117. We note, however, section 552.117 applies only to records that a governmental body is holding in an employment capacity. The information at issue consists of law enforcement records maintained by the district’s police department in a law enforcement capacity and is not held by the district as an employer. Therefore, we find section 552.117(a) of the Government Code does not apply in this situation, and the district may not withhold any portion of the remaining information at issue on that basis.

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 id.* § 552.130(a). You state the district will withhold the motor vehicle record information you marked pursuant to section 552.130(c) of the Government Code.⁵ Upon review, we find additional portions of the remaining information, which we have marked, consist of motor vehicle record information. Accordingly, the

⁵Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See Gov’t Code* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

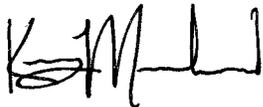
district must also withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

In summary, the district must withhold the submitted CR-3 reports, which we have marked, under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code. The district must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The district 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.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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 551397

Enc. Submitted documents

c: Requestor
(w/o enclosures)