



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 8, 2015

Sergeant Alex Arnold
Northlake Police Department
1400 FM 407
Northlake, Texas 76247

OR2015-18646

Dear Sergeant Arnold:

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# 584001.

The Northlake Police Department (the "department") received a request for information pertaining to a specified incident. We understand you to claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your claim and reviewed the submitted information.

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. Section 552.101 encompasses information subject to chapter 550 of the Transportation Code. Section 550.065 applies only to a written report of an accident required under section 550.061, 550.062, or 601.004. Act of June 1, 2015, 84th Leg., R.S., ch. 936, § 1, 2015 Tex. Sess. Law Serv. 3256 (Vernon) (to be codified at Transp. Code § 550.065(a)(1)). Chapter 550 requires the creation of a written report when the accident resulted in injury to or the death of a person or damage to the property of any person to the apparent extent of \$1,000 or more. Transp. Code §§ 550.061 (operator's accident report), .062 (officer's accident report). An accident report is privileged and for the confidential use of the Texas Department of Transportation or a local governmental agency of Texas that has use for the information for accident prevention purposes. *Id.* § 550.065(b). However, a governmental entity may release an accident report in accordance with subsections (c) and (c-1). Act of June 1, 2015, 84th Leg., R.S., ch. 936, § 1, 2015 Tex. Sess. Law Serv. 3256, 3256-57 (Vernon) (to be codified at Transp. Code § 550.065(c), (c-1)). Section 550.065(c) provides a governmental entity shall release an accident report to a person or entity listed under this subsection. Gov't Code § 550.065(c).

In this instance, the requestor may be a person listed under section 550.065(c). Thus, if the requestor is a person listed under 550.065(c), then she has a statutory right of access under section 550.065(c). In that case, the department must release the accident report to the requestor pursuant to section 550.065(c) of the Transportation Code.

However, if the requestor is not a person listed under section 550.065(c), then the submitted accident report is confidential under section 550.065(b), and the department must withhold it under section 552.101 of the Government Code. However, section 550.065(c-1) requires the department to create a redacted accident report that may be requested by any person. *Id.* § 550.065(c-1). The redacted accident report may not include the information listed in subsection (f)(2). *Id.* Therefore, if the requestor is not a person listed under section 550.065(c), then she has a right of access to the redacted accident report. Thus, if the requestor is not a person listed under section 550.065(c), then the department must release the redacted accident report to the requestor pursuant to section 550.065(c-1) of the Transportation Code.

In summary, if the requestor is a person listed under 550.065(c) of the Transportation Code, the department must release the accident report to the requestor pursuant to section 550.065(c) of the Transportation Code. If the requestor is not a person listed under section 550.065(c), then the submitted accident report is confidential under section 550.065(b), and the department must withhold it under section 552.101 of the Government Code, but must release the redacted accident report to the requestor pursuant to section 550.065(c-1) 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 584001

Enc. Submitted documents

c: Requestor
(w/o enclosures)