



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 12, 2020

Ms. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767

OR2020-16016

Re: Request for 911 recording, video, audio, reports, CAD for Case # 20-0631779 on
03/03/20. (ORR Z004762)

Dear Ms. Grace:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 833449 (APD Req. No. Z004762).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue.¹ Thus, we are addressing your claims in a memorandum opinion. You must release the accident report in its entirety to the requestor pursuant to section 550.065(c) of the Transportation Code. You claim the remaining information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. Upon review, we find you must release the DIC-24 Statutory Warning and the DIC-25 Notice of Suspension. In releasing the DIC-24 and DIC-25 forms, you must withhold the driver license information under section 552.130 of the Government Code and the date of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Upon review of your arguments and the remaining information, we conclude you may withhold

¹ We note the Austin Police Department (the “department”) received an initial request for the same information from this requestor on March 10, 2020. In response to the initial request, the department informs us it released basic information to the requestor within five business days and withheld certain information under section 552.108(a)(1) of the Government Code, pursuant to the previous determination this office issued to the department in Open Records Letter No. 2016-10001 (2016). Subsequently, the requestor made a second request for the same information on April 13, 2020.

the remaining information under section 552.108(a)(1). However, as you acknowledge, you must release the basic information pursuant to section 552.108(c) of the Government Code. We note the remaining information includes information that may have been filed with a court. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Thus, if the information has been filed with a court, you must release the information. In releasing the information filed with a court, you must withhold the motor vehicle record information in accordance with section 552.130 of the Government Code.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/open-records-memorandum-rulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor
(w/o enclosures)