



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 25, 2022

Mr. David V. Overcash  
Counsel for the City of Princeton  
Wolfe, Tidwell & McCoy, L.L.P.  
2591 Dallas Parkway, Suite 300  
Frisco, Texas 75034

OR2022-25844

Dear Mr. Overcash:

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# 968007.

The Princeton Police Department (the "department"), which you represent, received a request for information pertaining to a specified incident. You state the department has released some information. You state the department will redact dates of birth pursuant to a previous determination issued in Open Records Letter No. 2021-26507 (2021).<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information contains a CR-3 accident report that is 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. 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. *Id.* §§ 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

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<sup>1</sup> Open Records Letter No. 2021-26507 is a previous determination issued to the city authorizing it to withhold the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a decision from this office.

governmental entity shall release an accident report in accordance with subsections (c) and (c-1). *Id.* § 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. *Id.* § 550.065(c). The requestor is a person listed under section 550.065(c). Thus, the department must release the CR-3 accident report to this requestor pursuant to section 550.065(c) of the Transportation Code.

The department asserts the submitted video recordings contain motor vehicle record information that is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit, or 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. Gov't Code § 552.130(a). Upon review, we agree the submitted video recordings contain motor vehicle record information. In this instance, the department states it does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the entire video recordings it indicated under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the department must release the CR-3 accident report to this requestor pursuant to section 550.065(c) of the Transportation Code. The department must withhold the entire video recordings it indicated under section 552.130 of the Government Code. The remaining information must be released.<sup>2</sup>

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Paige Lay  
Assistant Attorney General  
Open Records Division

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<sup>2</sup> We note the requestor has a special right of access to some of the information being released. *See* Gov't Code § 552.023(b); Open Record Decision No. 481 at 4. Thus, if the department receives another request for this information from a different requestor, then the department must again seek a decision from this office.

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)