



Ana Vieira Ayala  
Assistant General Counsel & Public Information Coordinator

October 28, 2016

Justin Gordon  
Division Chief  
Open Records Division  
Price Daniel Building  
209 W. 14th Street, 6th Floor  
Austin, Texas 78701

**Re: Addendum to Public Information Request from Justin Gallagher and Paul Fisher to  
The University of Texas at Austin – AG ID# 640488 (OGC# 172371)**

Dear Mr. Gordon:

On October 25, 2016, The University of Texas System (“UT System”) requested an open records opinion on behalf of its institution, The University of Texas at Austin (“UT Austin” or “University”). At issue is a request for information from Justin Gallagher and Paul Fisher (“Requestors”), assigned AG ID# 640488 by your office. We now timely submit our final briefing on this matter.

As noted in our October 25<sup>th</sup> letter, the Requestors seek access to the following information:

*[W]e are requesting to obtain copies of public records that correspond with a statewide database of traffic accidents for the years 2008-9. We request the same data on these accidents as are contained in the Public Extract from the CRIS database for accidents post 2010 (<http://www.txdot.gov/government/enforcement/data---access.html>).*

*To be more specific, we are requesting that for each reported traffic crash in both 2008 and 2009 fields relevant to the system-generated Crash\_ID, latitude and longitude of each accident, the block number and street name where the accident occurred, the zip code of the owner of each vehicle involved in the crash, the city and county of the accident, contributing factors related to the accident, if the accident occurred in an intersection, time and date of the crash, the first harmful event in the crash, the severity of the crash, the dollar value of damage caused in the accident, the number and severity of the injuries/deaths caused in the accident, the form of traffic control at the site of the accident, and the weather conditions at the time of the accident.*

*The data we have requested has been made public in the past by the TxDOT. Attorney General Abbott ruled that the data can be released with personal information including Driver names, license numbers and other personally identifying information removed (see OR2008-04185). In addition, SB 375 codified the release of accident data under Texas state law. We only seek such data that is available under the rules of SB 375 and do not wish to access the information listed as confidential according to that bill.*

*The data we are requesting was originally owned and produced by the TxDOT and was shared with the Center for Transportation Research (CTR) at the University of Texas at Austin. The TxDOT has stated that they deleted internal copies of the data under their records retention policy. We believe that the CTR has copies of these data as part of research projects conducted by researchers at the institute published over the past few. We have attached an appendix with examples of these projects.*

UT Austin asserts the responsive information, submitted as **TAB 4**, is protected from disclosure pursuant to § 552.101 of the of the Texas Public Information Act (“Act”).

**Section 552.101 of the Texas Government Code  
in conjunction with § 550.065 of the Transportation Code**

Section 552.101 of the Act excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” TEX. GOV’T CODE § 552.101. This exception encompasses information that other statutes make confidential. Section 550.065 of the Transportation Code applies to the responsive information.

Section 550.065 provides, in relevant part, as follows:

(a) This section applies only to the following information that is held by the department or another governmental entity:

(1) a written report of an accident required under Section 550.061, 550.062, or 601.004; or

(2) accident report information compiled under Section 201.806.

(b) Except as provided by Subsection (c), (c-1), or (e), the information is privileged and for the confidential use of:

(1) the department; and

(2) an agency of the United States, this state, or a local government of this state that has use for the information for accident prevention purposes.

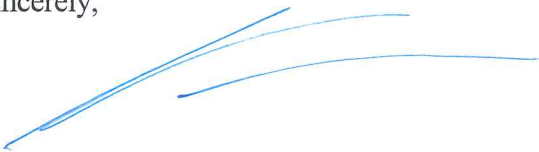
TEX. TRANSP. CODE § 550.065(a)-(b).

The Requestor seeks Crash Records Information System ("CRIS") information created by the Texas Department of Transportation ("TxDOT"). TxDOT no longer maintains the information requested due to its records retention schedule. However, TxDOT provided its CRIS information to the University's Center for Transportation Research ("CTR") and CTR has retained the requested information. CTR is a multidisciplinary and multimodal research institute at UT Austin. CTR is recognized as one of the leading university-based transportation research centers in the world, where University researchers, faculty members, and students work together to promote cutting-edge developments in transportation science and technology. In a given year, CTR administers between 150 and 200 research projects and interagency contracts with combined budgets exceeding \$12 million. Research includes projects for TxDOT and many other state, federal and local governmental agencies and entities. CTR's research projects address virtually all aspects of transportation, including safety and accident prevention.

The responsive information consists of CRIS data CTR received from TxDOT. *See* **TAB 5**. CRIS is maintained by TxDOT in accordance with section 201.806 of the Transportation Code. *See id.* § 550.065(a)-(b). Accordingly, this information when maintained by TxDOT is confidential under section 550.065(b). Furthermore, the Requestors are not authorized to receive the information pursuant to subsections (c), (c-1) or (e). Pursuant to the interagency transfer doctrine, records that are confidential in the hands of the originating governmental body remain confidential when transferred to another governmental body. *See* Open Records Decision Nos. 674 at 4 (2001), 667 at 4 (2000); *see also* Attorney General Opinion H-836 (1976) (governmental bodies have need to maintain unrestricted flow of information, to effectuate state policy that governmental bodies cooperate in the efficient and economical administration of statutory duties). Accordingly, UT Austin is prohibited from releasing information that is confidential pursuant to section 550.065 to the Requestors.

All interested parties are listed below. If you need additional information, please do not hesitate to contact me at (512) 499-4563.

Sincerely,



Ana Vieira Ayala

cc: Requestors: (w/o Enclosures)

Justin Gallagher and Paul Fisher  
Economics Department  
Case Western Reserve University  
10900 Euclid Avenue, 276  
Cleveland, Ohio 44106-7235