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Austin, TX 78701

**VIA FEDERAL EXPRESS AND  
VIA EMAIL (without enclosure)**

Re: AG ID# 640488 (OGC 172371)

Dear Mr. Gordon:

This letter is in response to the November 3, 2016 letter from Ms. Ana Vieira Ayala regarding the record request of Dr. Justin Gallagher and Mr. Paul Fisher of Case Western Reserve University. We received Ms. Ayala's response on Thursday, November 10<sup>th</sup> and we appreciate the opportunity to respond.

We wish to explain why this information pertaining to traffic accidents is being requested. Case Western Reserve University is an independent research university, fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. Our mission is to improve and enrich people's lives through research that capitalizes on the power of collaboration, and education that dramatically engages our students. (For more information, please see [case.edu](http://case.edu)).

Dr. Gallagher, Assistant Professor of Economics, and Mr. Fisher, his student, are working on an academic research project on whether red light cameras are effective at reducing accidents. Dr. Gallagher and Mr. Fisher intend to publish the results of their work and share knowledge. They are seeking non-confidential data elements held in the CRIS database for the years 2008-09.<sup>1</sup> Texas Transportation Code section 550.065(f)(2) lists items of information that are private. Our researchers do *not* seek any private items of information. Section 550.065(c-1) states that a report that did not include information listed in (f)(2) "is not considered personal information...." **Our researchers seek only items of information that are not personal information.**

The information is requested under the Texas Public Information Act. Per the *2016 Public Information Handbook of the Office of Attorney General* at page 2: "The Act requires the attorney general to construe the Act liberally in favor of open government."

[https://www.texasattorneygeneral.gov/files/og/publicinfo\\_hb.pdf](https://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf)

Ms. Ayala asserts that the information being requested is confidential. The information that Dr. Gallagher and Mr. Fisher need are certain data elements in the CRIS database for 2008-2009. Dr. Gallagher and Mr. Fisher already have the same data for 2010 forward, because TxDOT makes this data publicly accessible through its website (<http://www.txdot.gov/government/enforcement/data-access.html>). The fact that the same elements of data, for later years, is publicly available, shows that there is nothing inherently confidential about these data elements.

In addition, through a simple google search, at (<http://www.nctcog.org/trans/safety/CRIS.pdf>), we located a PowerPoint presentation from the North Central Texas Council of Governments dated July 23, 2010 (copy enclosed for your convenience). This PowerPoint explained how to obtain data (including pre-2010 data) from the website. If these data were inherently confidential, would they have been on a publicly available website? Would the North Central Council of Governments have had a presentation explaining how the data could be obtained?

Ms. Ayala seems to be arguing that because there were some confidential data elements in the database, that makes all information in the database confidential. In fact, Texas Transportation Code 550.065 takes the opposite view by carving out confidential data elements, and then stating that reports containing other data elements are "not considered personal information". Finally, as previously pointed out, in a previous letter ruling, the Attorney General ruled that the type of information being requested by our researchers is not confidential (See OR 2008-04185 at page 3).

Ms. Ayala stated, in her November 3<sup>rd</sup> letter at page 2, that the University of Texas cannot create redacted reports. If that is the case, then all our researchers are requesting is that they are given a dataset the same information that would have been in a redacted report. Again, our researchers are not seeking any of the information that would be considered confidential under 550.065(f)(2). The data requested is held at the Center for Transportation Research Library at the University of Texas. A review of its website shows the library is publicly supported and that its services are available to researchers and the public. <http://ctr.utexas.edu/library/>. From our experience as a research university, we believe such a dataset could be created with minimal effort. We are certainly willing to pay a reasonable fee to obtain the data if that is the concern.

In summary, the information requested is not confidential and was intended to be publicly available. We respectfully request that you grant our request for the information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michele Krantz".

Michele Krantz  
Senior Counsel

Enclosure

cc:

(without enclosure)

Via regular mail and email:

Ms. Ana Vieira Ayala

Assistant General Counsel & Public Information Coordinator

Office of General Counsel

201 West 7<sup>th</sup> Street, Suite 600

Austin, TX 78701-2901

Via email:

Dr. Justin Gallagher

Mr. Paul Fisher

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<sup>1</sup> Per Ms. Ayala, the actual accident reports, redacted to include only non-confidential data, are not maintained by the University of Texas. (See Letter to Justin Gordon from Ana Vieira Ayala at page 3). Therefore, the only source of the data is the CRIS database, and the researchers are therefore requesting the non-confidential data from that database.