



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 1, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-04199

Dear Ms. Villarreal:

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# 340860 (Waco Request No. LGL-09-093).

The Waco Police Department (the "department") received a request for the results of the requestor's urine test when he was arrested for a DWI. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the present request is for the results of the requestor's urine test. Accordingly, only the test results are responsive to this request. This ruling does not address the public availability of the remainder of the submitted information, and the department is not required to release this nonresponsive information in response to this request.

The request is for the results of an arrestee's urine sample. Section 724.018 of the Transportation Code provides that upon the request of the person who has given a specimen at the request of a peace officer, full information concerning the analysis of the specimen must be made available to that person or the person's attorney. Here, the requestor is the individual who submitted the specimen. *See* Transp. Code § 724.011(b) (person arrested for DWI may consent to submit to taking of any type specimen to determine the person's alcohol concentration). Thus, the department must release the urine test results to the requestor pursuant to section 724.018 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Travis Tidmore
Assistant Attorney General
Open Records Division

TT/rl

Ref: ID# 340860

Enc. Submitted documents

cc: Requestor
(w/o enclosures)