



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

November 18, 2009

Mr. Lawrence G. Provins
Assistant City Attorney
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581-5416

OR2009-16420

Dear Mr. Provins:

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# 366573.

The City of Pearland (the "city") received a request for records of the requestor's breathalyser and blood test results. You state you have released some information to the requestor. You claim that the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that most of the submitted information is not responsive to the instant request for information because it does not consist of the requested breathalyser and blood test results. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release that information in response to the request.

Next, we note that the responsive information consists of breath test results and blood test results of the requestor. Section 724.018 of the Transportation Code provides that on 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. Transp. Code § 724.018. In this instance, the requestor is the person who submitted the breath test and blood test specimens at the request of a peace officer. Thus,

the city must release the breath test and blood test results contained in the submitted information, which we have marked, to this requestor pursuant to section 724.018 of the Transportation Code.

In summary, the city must release the information we have marked to this requestor pursuant to section 724.018 of the Transportation Code. This ruling does not address the remaining submitted information, which is not responsive and need not be released.¹

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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 366573

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our determination is dispositive, we need not address your arguments against the disclosure of the submitted information.