



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 4, 2015

Mr. Grant Jordan
Assistant City Attorney
City of Fort Worth
Office of the City Attorney
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102-6311

OR2015-08643

Dear Mr. Jordan:

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# 567680 (CFW PIR No. W041526).

The City of Fort Worth (the "city") received a request for the results of a specified blood test of a named individual. You claim 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 only the results of the specified blood test are responsive to the present request for information. Accordingly, any other information is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the city need not release it to the requestor.

Next, we note the responsive information consists of the results of an analysis of a blood specimen of the named individual. Section 724.018 of the Transportation Code provides that, on 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. Transp. Code § 724.018. We find that "full information" under section 724.018 refers to the results of the analysis of the specimen and includes the submitted charts and graphs pertaining to the named individual. As a general rule, the exceptions to disclosure found in the Act do not apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Here, the requestor may be an authorized representative of the person who provided the blood specimen. However, as we are unable to make this determination based on our review of the information, we must rule conditionally. If the city determines the requestor is the authorized representative of the person who provided the specimen, then the requestor has a right of

access to full information concerning the analysis of the specimen under section 724.018 of the Transportation Code. However, if the city determines the requestor is not the authorized representative of the person who provided the specimen, then the requestor does not have a right of access to the information at issue under section 724.018 of the Transportation Code, and we will address your claim under section 552.108 of the Government Code for this information.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the responsive information is related to an ongoing criminal prosecution. Based on your representation, we agree release of the responsive information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, if the city determines the requestor does not have a right of access to the full information concerning the analysis of the named individual’s specimen under section 724.018 of the Transportation Code, the city may withhold it under section 552.108(a)(1) of the Government 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 567680

Enc. Submitted documents

c: Requestor
(w/o enclosures)