



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 28, 2015

Ms. Captoria Brown
Paralegal
City of Carrollton
1945 East Jackson
Carrollton, Texas 75006

OR2015-10340

Dear Ms. Brown:

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# 568520 (City ID# 4734).

The City of Carrollton (the "city") received a request for the requestor's blood alcohol test results regarding a specified incident. You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. You have also provided arguments from the Dallas County District Attorney's Office (the "district attorney's office") claiming sections 552.103 and 552.108 of the Government Code for the submitted information. *See* Gov't Code § 552.304(a). We have considered the submitted arguments and reviewed the submitted information.

The submitted information consists of blood alcohol test results. Full information concerning the analysis of the specimen must be made available upon the request of the person who has given the specimen at the request of a peace officer. *See* Transp. Code § 724.018. Here, the requestor is the individual who submitted the specimen. You, and the district attorney's office, seek to withhold the submitted information under sections 552.103 and 552.108 of the Government Code. However, we note a statutory right of access generally prevails over the exceptions to public disclosure under the Act. *See, e.g.,* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act). Accordingly, the city may not withhold the

submitted information under section 552.103 or section 552.108. Thus, the city must release the blood alcohol test results to this 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.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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/eb

Ref: ID#568520

Enc. Submitted documents

c: Requestor
(w/o enclosures)