



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 16, 2016

Mr. Richard L. Bilbie
City Attorney
City of Harlingen
P.O. Box 2207
Harlingen, Texas 78551-2207

OR2016-03616

Dear Mr. Bilbie:

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# 604176.

The Harlingen Police Department (the "department") received a request for specified blood test results. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note, with the exception of the blood test results at issue, the submitted information is not responsive to the instant request for information because it does not consist of the requested blood test results. This ruling does not address the public availability of non-responsive information, and the department is not required to release non-responsive information in response to this request.

Next, we note the submitted responsive information consists of the blood test results of an arrestee's blood alcohol content. 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. The general exceptions found in the Act cannot impinge on a statutory right of access to information. *See* Open Records Decision Nos. 613 at 4

(1993), 451 at 4 (1986). Therefore, the department must release the blood 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,

A handwritten signature in cursive script, appearing to read "Paige Thompson".

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 604176

Enc. Submitted documents

c: Requestor
(w/o enclosures)