



February 9, 1999

Mr. Richard Brown  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR99-0393

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121914.

The City of Dallas (the "city") received a request for intoxilizer report reference number 0804486. You have supplied the responsive information, asserting that it is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code, reads in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

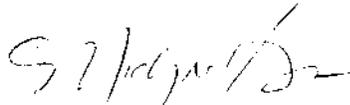
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Texas courts have specified the information that must be released and that which may be withheld pursuant to the antecedent to this statute. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. – Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Applying *Houston Chronicle*, our

offices concluded that "information concerning chemical tests and the results thereof" in reports of driving while intoxicated offenses are excepted from disclosure. Open Records Decision 127 (1976). Note, however that Transportation Code Sec. 724.018 requires the release of these test results on the request of a person who has given a specimen at the request of a peace officer, or that person's attorney. You have represented that the subject test result is part of the investigation file in a pending case alleging a driving while intoxicated offense. Assuming the requestor here is not the subject of the test or his attorney, you may withhold this information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Michael J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref.: ID# 121914

Enclosures: Submitted documents

cc: Mr. Earl Gregerson  
4910 Stagecoach Lane  
Garland, Texas 75043  
(w/o enclosures)