



February 16, 1999

Ms. Katheryn H. West  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR99-0461

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123626.

The City of Dallas received a request for a copy of the requestor's blood test results from January 1, 1999, and a copy of the "formal charges" relating to a specific case. You seek to withhold the requested information under section 552.108.

We note at the outset that information specifically made public by statute may not be withheld from the requestor. Section 724.018 of the Transportation Code provides: "On request of a person who has given a specimen at the request of a peace officer, full information concerning the analysis of the specimen shall be made available to the person or the person's attorney." Therefore, you must release the blood test results to the requestor.

Section 552.108(a)(1) exempts from required public disclosure

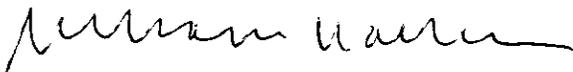
(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

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

Besides the specimen analysis, you have also submitted, as responsive to the request, an arrest report, a specimen routing report, a probable cause affidavit, a document titled "Criminal Complaint -- Breath or Blood," and a statutory warning. You indicate that there is pending prosecution in connection with the incident to which the requested information relates. Based on your representations, we conclude that you may withhold much of the submitted information under section 552.108(a)(1). Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). We believe that such basic information, which is not protected by section 552.108, includes the "formal charges" sought by the requestor. *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); Open Records Decision No. 127 (1976). Also, since it has presumably already been provided to the requestor, we do not believe that you have established that release of the "Statutory Warning" you submitted would interfere with law enforcement or otherwise fall under the protection of section 552.108. Except as noted above, however, you may withhold the submitted information under section 552.108.

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 questions about this ruling, please contact our office.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 123626

Enclosures: Submitted documents

cc: Mr. Scot Buchanan  
10707 N. MacArthur Boulevard, #321  
Irving, Texas 75063  
(w/o enclosures)