



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 18, 2012

Mr. Daniel Bradford
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR2012-11127

Dear Mr. Bradford:

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# 464157.

The Travis County Sheriff's Office (the "sheriff's office") received a request for a specified incident report. 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.

We note the submitted information includes results of a blood alcohol analysis. Section 724.018 of the Transportation Code provides, on 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. If the requestor is acting as the authorized representative of the individual who provided the specimen, the requestor has a right of access to that information. *See Gov't Code § 552.023(a)* (person's authorized representative has a special right of access to information about that person that is excepted from disclosure under laws intended to protect privacy interests). Although you raise section 552.108 of the Government Code for this information, the general exceptions to disclosure found in the Act do not apply to

information other statutes make public. See Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, if the requestor is acting as the person's authorized representative, the sheriff's office must release the blood alcohol analysis results to the requestor under section 724.018 of the Transportation Code. If the requestor does not have a right of access to the blood alcohol analysis results, we will consider your argument against disclosure of this information along with the remaining submitted 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 information at issue relates to a pending prosecution with the Travis County Attorney's Office. Thus, we find the release of the information at issue would interfere with the detection, investigation, and prosecution of a 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). Accordingly, section 552.108(a)(1) is applicable to the information at issue.

Section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. 531 S.W.2d at 186–87; Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Accordingly, with the exception of basic information, the sheriff's office may withhold the information at issue under section 552.108(a)(1) of the Government Code.

In summary, to the extent the requestor has a right of access to the blood alcohol analysis results, the sheriff's office must provide the requestor with the results under section 724.018 of the Transportation Code. With the exception of basic information, the sheriff's office may withhold the information at issue 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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Carolina Vieira', with a long horizontal flourish extending to the right.

Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/som

Ref: ID# 464157

Enc. Submitted documents

c: Requestor
(w/o enclosures)