



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2012

Mr. Jeffrey L. Moore
Counsel for the City of Roanoke
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2012-13080

Dear Mr. Moore:

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# 466815.

The Roanoke Police Department (the "department"), which you represent, received a request for the results of a blood alcohol test. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information other statutes make confidential. You contend the submitted information is confidential under section 552.101 in conjunction with section 724.018 of the Transportation Code, which provides as follows:

On the 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.

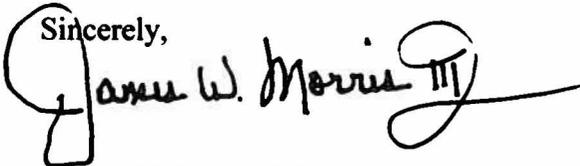
Transp. Code § 724.018. We note statutory confidentiality under section 552.101 requires express language making information confidential or stating information shall not be released to the public. See Open Records Decision No. 478 at 2 (1987) (addressing statutory

predecessor); *see also* Open Records Decision No. 658 at 4 (1998) (statutory confidentiality provision must be express, and confidentiality requirement will not be implied from statutory structure). No language in section 724.018 makes information encompassed by the statute confidential or prohibits the release of such information to the public. Thus, section 724.018 is not a statutory confidentiality provision. We therefore conclude the department may not withhold the submitted information under section 552.101 of the Government Code in conjunction with section 724.018 of the Transportation Code. Instead, as the requestor has provided a power of attorney executed by the person who gave the blood specimen, the submitted results of the analysis of the specimen must be released to this requestor pursuant to section 724.018.

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 that reads "James W. Morris III". The signature is written in a cursive style with a large, looped initial "J" and a long horizontal flourish extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bhf

Ref: ID# 466815

Enc: Submitted documents

c: Requestor
(w/o enclosures)