



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2012

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2012-14506

Dear Mr. Bounds:

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# 464738 (CCPD File No. TMe1).

The Corpus Christi Police Department (the "department") received a request for information pertaining to a specified incident, including all reports, summaries, narratives, witness statements or interviews, blood alcohol testing results, and charge information. You state some of the requested information either has been or will be released, subject to redactions authorized by sections 552.130(c) and 552.147(b) of the Government Code, Open Records Decision No. 684 (2009), and the previous determination issued to the department in Open Records Letter No. 2011-17207 (2011).¹ You claim some of the submitted information is

¹Section 552.130(c) of the Government Code authorizes a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of requesting a decision from this office. See Gov't Code § 552.130(c); see also *id.* § 552.130(d)-(e) (requestor may appeal governmental body's decision to withhold information under section 552.130(c) to attorney general, and governmental body withholding information pursuant to section 552.130(c) must provide notice to requestor). Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without requesting a decision. See *id.* § 552.147(b). Open Records Decision No. 684 is a previous determination authorizing all governmental bodies to withhold certain categories of information without the necessity of requesting a decision. ORD 684. Open Records Letter No. 2011-17207 authorizes the department to withhold an FBI number under section 552.101 in conjunction with section 411.083 of the Government Code without requesting a decision.

excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 that other statutes make confidential. Section 724.018 of the Transportation Code provides that "[o]n 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. Where a statute provides an individual with a special right of access to information, that information may not be withheld from that individual. See Open Records Decision Nos. 623 (1994), 613 (1993). You contend that because the requestor is neither the person whose blood specimen was analyzed nor that person's authorized representative, the submitted test results should not be released. Thus, you appear to argue that release of this information would be a violation of section 724.018.

In Open Records Decision No. 478 (1987), this office interpreted the predecessor statute, section 3(e) of article 6701 1-5 of Vernon's Texas Civil Statutes, as creating a special right of access for the person supplying the specimen; however, we concluded that the statute did not constitute a grant of confidentiality with regard to other persons. ORD 478 at 2-3; see also Open Records Decision Nos. 658 (1998) (statutory confidentiality provision must be express), 465 (1987) (confidentiality requirement not to be implied from statutory structure). Therefore, the department may not withhold the submitted test results under section 552.101 of the Government Code in conjunction with section 724.018 of the Transportation Code.

We note one of the submitted video recordings contains a driver's license number subject to section 552.130 of the Government Code, which provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release.² See Gov't Code § 552.130. The department states it lacks the technological capability to redact information from the video recordings. Accordingly, the department must withhold video recording number 20120429054723 in its entirety under section 552.130 of the Government Code.

Section 552.147 of the Government Code excepts from disclosure the social security number of a living person. *Id.* § 552.147. You state the remaining video recordings contain a social security number subject to section 552.147. Upon review, we find video recording number 20120429043801 contains a social security number. Because the department states it lacks the technological capability to redact information from the video recordings, the

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

department may withhold video recording number 20120429043801 in its entirety under section 552.147 of the Government Code. However, we find neither of the remaining video recordings contain social security numbers. Accordingly, the department may not withhold the remaining video recordings under section 552.147 of the Government Code.

In summary, the department must withhold video recording number 20120429054723 in its entirety under section 552.130 of the Government Code. The department may withhold video recording number 20120429043801 in its entirety under section 552.147 of the Government Code. The department must release the remaining information.

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/akg

Ref: ID# 464738

Enc. Submitted documents

c: Requestor
(w/o enclosures)