



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 22, 2013

Mr. Matthew B. Cross
Assistant City Attorney
City of El Paso
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

OR2013-04745

Dear Mr. Cross:

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# 486150.

The El Paso Police Department (the "department") received a request for results from an Alcohol Breathalyzer Test. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the department has submitted a seven-page incident report, along with a supplemental report, an arrest supplement, and a DWI case report related to the specified case. The requestor seeks only the results of an Alcohol Breathalyzer Test. Thus, only these results are responsive to the request. This ruling does not address the public availability of the remaining non-responsive information, and the department need not release information that is not responsive to the request.

The responsive information consists of a breath test result of the requestor's blood alcohol content. Upon the 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. In this instance, the requestor is the individual who submitted the specimen. We note 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). Thus, the department must release the results of the breath test to the requestor pursuant to section 724.018 of the Transportation 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/eb

Ref: ID# 486150

Enc. Submitted documents

cc: Requestor
(w/o enclosures)