



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 17, 2013

Mr. Tillman S. Roots
Assistant District Attorney
Comal County Criminal District Attorney
150 North Seguin Avenue, Suite 307
New Braunfels, Texas 78130-5161

OR2013-16136

Dear Mr. Roots:

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# 502604 (Comal County File No. 13-OR-091).

The Comal County Sheriff's Office (the "sheriff's office") received a request for the requestor's BAC results of a specified breathalyzer test taken at his arrest. You claim the submitted information is excepted from disclosure under sections 552.103, 552.108, 552.130 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the majority of the submitted information is not responsive to the request for information because it is not the BAC results of the specified breathalyzer test. This ruling does not address the public availability of information that is not responsive to the request, and the sheriff's office is not required to release non-responsive information.

The requested information consists of the results of an analysis of a breath specimen. 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. As a general rule, the general exceptions to disclosure found in the Act do not apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). In this instance, the requestor is the person who

provided the breath specimen at the request of a peace officer. Therefore, the submitted results of the analysis of the breath specimen must be released to this 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Alia K. Plasencia-Bishop
Assistant Attorney General
Open Records Division

AKPB/eb

Ref: ID# 502604

Enc. Submitted documents

c: Requestor
(w/o enclosures)