



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 21, 2018

Ms. Kristen Lee  
Assistant County Attorney  
Harris County  
Anderson Clayton Building  
1310 Prairie, Suite 500  
Houston, Texas 77002-1901

OR2018-04131

Dear Ms. Lee:

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# 702879 (C.A. File # 18PIA0038).

The Harris County Constable's Office, Precinct Five (the "constable's office") received a request for a specified blood alcohol content report. The constable's office claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the constable's office claims and reviewed the submitted information.

Initially, we note the submitted information consists of a report pertaining to the analysis of a blood specimen. Section 724.018 of the Transportation Code provides that "[o]n request of the 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. The requestor is requesting the information as the authorized representative of the individual of the person who provided the specimen at the request of a peace officer. Although you claim the information is excepted from disclosure under section 552.108 of the Government Code, a specific right of access provision prevails over the Act's general exceptions to disclosure. *See* ORD 451 at 4 (specific statutory right of access provisions overcome general exceptions to disclosure under statutory predecessor to Act). Therefore, the constable's office must release the submitted information 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](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,

A handwritten signature in black ink, appearing to read "Jesse Harvey", with a long horizontal flourish extending to the right.

Jesse Harvey  
Assistant Attorney General  
Open Records Division

JH/gw

Ref: ID# 702879

Enc. Submitted documents

c: Requestor  
(w/o enclosures)