



September 20, 1999

Mr. Duncan R. Fox  
Assistant Chief  
Legal Services  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR99-2635

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127694.

The Texas Department of Public Safety (the “department”) received a request for all information pertaining to the requestor’s DNA specimen. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed a representative sample of the documents at issue.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 552.101 encompasses information deemed confidential by statute. You contend that the requested information is confidential under section 411.153 of the Government Code which provides in part:

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<sup>1</sup>We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office

(a) A DNA record stored in the DNA database is confidential and is not subject to disclosure under the open records law, Chapter 552.

(b) A person commits an offense if the person knowingly discloses information in a DNA record or information related to a DNA analysis of a blood specimen except as authorized by this chapter.

We agree that section 411.153 deems the requested information confidential. Section 411.147 of the Government Code provides for the release of confidential DNA information to certain individuals for specific purposes, but none of these release provisions apply in this case. Therefore, the department must withhold the requested information from the requestor.

Because we are able to resolve this matter under section 411.153 of the Government Code, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 127694

Encl. Submitted documents

cc: Ms. Edwina C. New  
455 Morningview Drive  
San Antonio, Texas 78220  
(w/o enclosures)