



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 9, 2020

Ms. Mary E. Miller
Assistant District Attorney
Denton County Sheriff's Office
127 North Woodrow Lane, Suite 300
Denton, Texas 76205

OR2020-30756

Dear Ms. Miller:

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# 857531 (ORR# S004468-090220).

The Denton County Sheriff's Office (the "sheriff's office") received a request for a named defendant's fingerprints. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor only seeks fingerprints. Accordingly, only the submitted fingerprints are responsive to the request. This ruling does not address the public availability of any information that is not responsive to the request and the sheriff's office is not required to release such information in response to this request.¹

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. Section 552.101 encompasses section 560.003 of the Government Code, which provides that "[a] biometric identifier in the possession of a governmental body is exempt from disclosure under [the Act]." *See id.* § 560.003; *see also id.* §§ 560.001(1) (defining "biometric identifier" to include fingerprints), .002(1)(A) (governmental body may not sell, lease, or otherwise disclose individual's biometric identifier to another person unless individual consents to disclosure). Thus, section 560.002(1)(A) of the Government Code gives an individual or his authorized representative a right of access to his own

¹ As we are able to make this determination, we need not address your remaining argument.

fingerprint information. We are unable to determine whether the requestor is acting as the authorized representative of the individual whose fingerprints are at issue. As such, we rule conditionally. Accordingly, if the requestor is acting as the authorized representative of the individual whose fingerprints are at issue, the sheriff's office must release the fingerprints you have marked to this requestor under section 560.002 of the Government Code. If the requestor is not acting as the authorized representative of the individual whose fingerprints are at issue, the sheriff's office must withhold the fingerprints you have marked under section 552.101 of the Government Code in conjunction with section 560.003 of the Government 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jm

Ref: ID# 857531

Enc. Submitted documents

c: Requestor
(w/o enclosures)