



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 3, 2022

Mr. Robert J. Davis  
Counsel for Collin County Sheriff's Office  
Matthews, Shiels, Knott, Eden, Davis & Beanland, L.L.P.  
8131 LBJ Freeway, Suite 700  
Dallas, Texas 75251

OR2022-16022

Dear Mr. Davis:

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# 951696 (Reference No. 1600/71979).

The Collin County Sheriff's Office (the "sheriff's office"), which you represent, received a request for a named individual'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 some of the submitted information, which we have indicated, is not responsive to the present request for information because it does not consist of the information requested. This ruling does not address the public availability of any information that is not responsive to the present request, and the sheriff's office is not required to release such information in response to this request.<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." 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]." Gov't Code § 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

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<sup>1</sup> As we are able to make this determination, we need not address your arguments against disclosure of this information.

unless individual consents to disclosure), .003 (biometric identifiers in possession of governmental body exempt from disclosure under the Act). We note the fingerprints at issue may belong to the requestor. Therefore, if the fingerprints at issue belong to the requestor, the sheriff's office must release this information under section 560.002 of the Government Code. *See* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information). However, if the fingerprints at issue do not belong to the requestor, the sheriff's office must withhold the responsive information under section 552.101 of the Government Code in conjunction with section 560.003 of 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,

Jahna Ward  
Assistant Attorney General  
Open Records Division

JW/mo

Ref: ID# 951696

Enc. Submitted documents

c: Requestor  
(w/o enclosures)