



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 17, 2011

Ms. Jennifer C. Cohen  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2011-08671

Dear Ms. Cohen:

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# 422548 (ORA# 11-0927).

The Texas Department of Public Safety (the "department") received a request for "any and all documentation that is lab related, and also anything regarding the DNA test results for [two named individuals]." You state the department has released some responsive information to the requestor. 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.

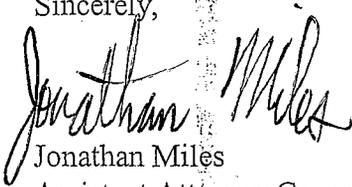
We note the submitted information is information held by the department that is made confidential by section 411.153 of the Government Code. In Open Records Letter No. 2011-06624 (2011), we issued a previous determination that authorizes the department to withhold under section 552.101 of the Government Code information held by the department that is made confidential by section 411.153 of the Government Code, unless the release provisions in section 411.147(c) are applicable, without the necessity of again requesting an attorney general decision with regard to the applicability of this exception. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (delineating elements of second type of previous determination under section 552.301(a)); *see also* Gov't Code §§ 411.147(c), 153. You indicate the release provisions in section 411.147(c) are not applicable in this instance. Therefore, pursuant to Open Records letter No. 2011-06624, the

department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.153 of the Government Code. *See* ORD 673.

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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 422548

Enc. Submitted documents

c: Requestor  
(w/o enclosures)