



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 4, 2022

BY EMAIL: publicrecords@gov.texas.gov

Office of the Governor
Public Information Request
General Counsel Division
P.O. Box 12428
Austin, TX 78711

Re: Public Information Act Request

Dear Public Records Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records from the Office of the Governor pursuant to the Texas Public Information Act, Texas Government Code Chapter 552.

Specifically, CREW requests the following records from April 1, 2021 to the date this request is processed::

1. All communications in the possession of the Governor’s Office regarding the distribution of DNA kits to school children, including but not limited to communications with the Texas Education Agency, the Texas Department of Health, and any non-governmental entity.
2. Any contracts, agreements, purchase orders, invoices, or similar documents regarding the distribution of DNA kits to school children, including but not limited to agreements with the Safety Blitz Foundation or any other private entity.
3. Records sufficient to identify the total amount of state funds expended on the distribution of DNA kits to school children.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to



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emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

Fee Waiver Request

CREW requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Furthermore, the request is primarily and fundamentally for non-commercial purposes.

In October, the *Washington Post* reported that Texas schools had begun to distribute DNA test kits to children.¹ According to the Texas Education Agency, the distribution of kits was in response to Texas Senate Bill 2158 (also known as the "Child Identification Program"), which was introduced in April 2021 and signed into law by Governor Abbot in June 2021. The bill requires the Texas Education Agency to provide school districts with identification kits for distribution to parents or legal guardians.²

Parents in Texas responded to the kit distribution with concern. The *Washington Post* reported that the move "sparked anger and distress from some parents," who interpreted the kits as a response to school shootings (particularly the recent deadly shooting in Uvalde, Texas).³ Although parents and gun control activists linked the test kits to the issue of gun violence in schools, the Texas Education Agency insisted that the kits were designed to "assist law enforcement in locating and returning a missing or trafficked child."⁴ The agency also asserted that the use of the kits is voluntary, and that they will not be entered into any government database.⁵

Confusion remains as to the motive for the distribution of the DNA test kits.⁶ The requested documents will shed light on the use and purpose of these kits. This topic is of particular interest to the public because it concerns the biometric data of children. Texas parents have a right to know how their children's data will be used and what private company (if any) may have access to this information. While it is our understanding the kits will be used to locate missing children, it is important that we remain vigilant when it comes to the collection of genetic material, particularly that of

¹ Jennifer Hassan, [Texas Schools are Sending Out DNA kits, Stark Reminders of Uvalde Shooting](#), *Washington Post*, October 19th, 2022, available at [Washington Post](#).

² Texas Senate Bill 2158, available at [Texas Legislature Online](#).

³ Hassan, *Washington Post*, October 19th, 2022.

⁴ Arianna Prothero, [Texas Schools Are Sending DNA Kits Home to Parents. Why This Is a Communications Mess](#), *EducationWeek*, October 20th, 2022, available at [EducationWeek](#).

⁵ Dakin Andone, [Child ID kits provided to Texas students are intended to find missing children, officials say – not identify victims of school shootings like Uvalde](#), *CNN*, October 24, 2022, available at [CNN](#)

⁶ Claire Woodcock, [After Uvalde, Texas Public Schools Send Home DNA Kits For Kids](#), *Vice*, October 19th, 2022, available at [Vice](#).



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minors.

The requested documents may also indicate if private companies are benefiting from the Child Identification Program. Obtaining this information will address government ethics concerns by revealing if the program creates any potential conflicts of interest for government officials.

The request is not in CREW's financial interest.

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes investigations that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives through public records requests on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at gcantor@citizensforethics.org and foia@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at gcantor@citizensforethics.org and foia@citizensforethics.org.

Sincerely,

Gabriella Cantor

Gabriella Cantor
Policy Associate