



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 8, 1991

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR91-470

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13590.

You have received a request for information relating to a case currently being considered before the Board of Pardons and Parole (the board). The requested information includes medical release documents which in part form the basis upon which the board makes its determination. The information is requested by the inmate at issue through his attorney. You claim that the requested information is excepted from required public disclosure by sections 3(a)(1) and 3(a)(11) of the Open Records Act.

Article 42.18, section 18 of the Code of Criminal Procedure provides for the confidentiality of information related to the release of prisoners and states:

[a]ll information obtained and maintained in connection with inmates of the institutional division subject to parole, release to mandatory supervision, or executive clemency, or individuals who may be on mandatory supervision or parole and under the supervision of the pardons and paroles division, or persons directly identified in any proposed plan of release for a prisoner, including victim impact statements and inmates' arrest records, shall be confidential and

privileged information and shall not be subject to public inspection

Section 3(a)(1) of the Open Records Act excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The records submitted to us for review are clearly of the type identified in article 42.18, section 18 of the Code of Criminal Procedure. Accordingly, they may be withheld under section 3(a)(1) of the Open Records Act. Because we resolve this issue under section 3(a)(1), we need not address the applicability of section 3(a)(11) at this time.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-470.

Very truly yours,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GK/lcd

Ref.: ID# 13590

cc: Mr. William T. Habern
Attorney at Law
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Riverside, Texas 77367