



Office of the Attorney General
State of Texas

April 9, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Cynthia N. Milne
General Counsel
Texas Department of Criminal Justice
Institutional Division
P.O. Box 99
Huntsville, Texas 77342-0099

OR92-154

Dear Ms. Milne:

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# 14506.

The Texas Department of Criminal Justice Institutional Division (the "department") has received a request for records that confirm an inmate's classification as a member of a "disruptive group." Initially, you asserted that the requested information was deemed "sensitive" under the *Stipulated Modification to the Ruiz Amended Decree*. You have subsequently withdrawn that claim and thus request a reconsideration of Open Records Letter No. 91-503 (1991). You claim that the requested information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

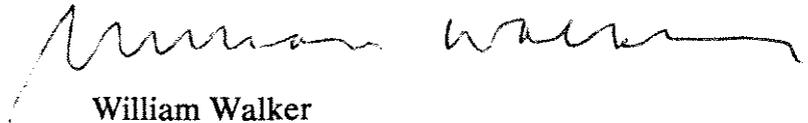
records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the

information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)); *see also* Open Records Decision No. 413 (1984) (Department of Corrections is a "law enforcement" agency within the meaning of section 3(a)(8)).

We have examined the documents submitted to us for review and conclude that their release would undermine a legitimate law enforcement interest. Accordingly, the requested information may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act. If you have questions about this ruling, please refer to OR92-154.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GK/lmm

Ref.: ID# 14506
ID# 13354 (OR91-503)

cc: Mr. Michael McBride
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