



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 5, 1993

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

OR93-004

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# 17997.

An inmate of the Texas Department of Criminal Justice - Institutional Division (the "department") has requested access to his unit classification file. You advise us that some of the requested information will be made available to the requestor. You have submitted to us for review, however, some of the requested information, claiming that it is excepted from required public disclosure by sections 3(a)(1), 3(a)(8), and 3(a)(11) of the Open Records Act.<sup>1</sup>

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

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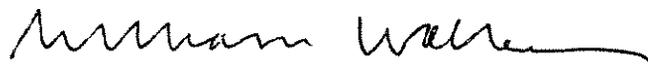
<sup>1</sup>In correspondence with this office, the requestor claims that the department did not timely request an open records determination of this office. Because no evidence has been submitted to this office supporting such a claim, we are unable to render a determination regarding the timeliness of the department's request. Thus, this ruling is made under the presumption that the department's request to this office was submitted in a timely fashion.

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 have considered your arguments. We agree that release of the documents submitted to us for review would undermine a legitimate interest of law enforcement and conclude that they may be withheld in their entirety from required public disclosure under section 3(a)(8) of the Open Records Act. Because we resolve this matter under section 3(a)(8), we need not address the applicability of sections 3(a)(1) and 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, 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 OR93-004.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GCK/lmm

Ref.: ID#s 17997, 18031  
ID#s 18034, 18229

cc: Mr. Jerry Easeley  
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