



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 29, 1993

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

OR93-116

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).<sup>1</sup> Your request was assigned ID# 18583.

The Texas Department of Criminal Justice (the "department") has received a request for an inmate's classification file and travel card. You advise us that most of the requested information has been or will be made available to the requestor. You have submitted to us for review, however, one document which you claim is excepted from required public disclosure by former sections 3(a)(8) and 3(a)(11) of the Open Records Act (now found at sections 552.108 and 552.111, respectively, of the Government Code).

Section 552.108, known as the "law enforcement" exception, excepts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . .  
[and]

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<sup>1</sup>The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

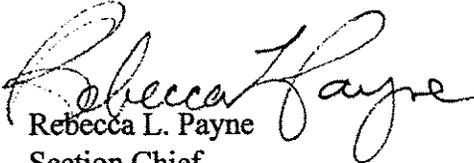
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement . . . .

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 former section 3(a)(8)).

You have submitted to us for review a document which relates to the "protection" of the inmate-requestor. You advise us that release of the submitted document would compromise your ability to insure the safety of the inmate and would thus undermine the security of the prison. We agree. Because release of the document submitted to us for review would undermine a legitimate interest of law enforcement, we conclude that it may be withheld in its entirety from required public disclosure under section 552.108 of the Government Code. As we resolve this matter under section 552.108, we need not address the applicability of section 552.111 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 contact our office.

Yours very truly,

  
Rebecca L. Payne  
Section Chief  
Open Government Section

RLP/GCK/rho

Ref.: ID# 18583  
ID# 18981

Enclosure: Submitted document

cc: Mr. Thomas N. Manuel  
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(w/o enclosure)