



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 11, 1994

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

OR94-062

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 23200.

The Texas Department of Criminal Justice (the "department") received a series of open records requests for certain records relating to particular department employees. The department contends this information may be withheld from the public pursuant to the Open Records Act, section 552.103(a) of the Government Code. The department claims that the requestors are the attorneys for an inmate who is pursuing a habeas corpus action against the state, and the information requested is related to the litigation.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance, you have not made the requisite showing that the requested information relates to the habeas corpus action for purposes of section 552.103(a). Because you have not met your burden under section 552.103(a), the department may not withhold the requested records under this exception.

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. 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.

We agree, however, that under section 552.117(2) of the Government Code, the department must withhold

the home address, home telephone number, or social security number of an employee of the [department], or the home or employment address or telephone number, name, or social security number of a family member of the employee.

However, other than the types of information listed above, the department must release the requested information in its entirety.

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/RWP/rho

Ref: ID# 23200

Enclosure: Submitted documents

cc: Mr. Eden Harrington
Executive Director
Texas Resource Center
1206 San Antonio
Austin, Texas 78701
(w/o enclosures)

Mr. Benjamin T. Willey, Jr.
5901 North Western Ave., Suite 200
Oklahoma City, Oklahoma 73118
(w/o enclosures)