



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 27, 1997

Ms. Regina Grimes  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR97-1917

Dear Ms. Grimes:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 108089.

The Texas Department of Criminal Justice (the "department") received an open records request for information relating to the annual report status of a named individual under the mandatory supervision requirements of the state. It is not apparent from the correspondence that the requestor may be a victim. It appears that the responsive information is held by the department's parole division and relates to the parole supervision of the named individual. You assert that the information is confidential pursuant to section 18 of article 42.18 of the Code of Criminal Procedure, in conjunction with section 552.101 of the Government Code.

Section 552.101 of the Government Code provides that information is excepted from public disclosure if it is made confidential by other law. As you paraphrase in your correspondence, section 18(a) of article 42.18 provides:

Except as provided by Subsection (b), all information, including victim protest letters or other correspondence, victim impact statements, lists of inmates eligible for release on parole, and arrest records of inmates, 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, is confidential and privileged.

Section 18(b) provides that certain information is not confidential, including information regarding sex offenders that is public under article 6252-13c.1 V.T.C.S. Also subject to public disclosure are “[s]tatistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services.” Code Crim. Proc. Art. 42.18, § 18(b).

You have submitted the information at issue to this office for review. The information at issue is not the type of information made public under section 18(b) of article 42.18. Neither is it the type of information required to be provided to a crime victim pursuant to article 56.02 of the Code of Criminal Procedure, the Crime Victim’s Rights Act. As the information at issue concerns the department’s supervision of an individual on parole, but is not the type of information otherwise made public, the requested information is confidential pursuant to section 18(a) of article 42.18, and thus may not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref.: ID# 108089

Enclosures: Submitted documents

cc: Terri Langford  
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