



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 9, 2009

Mr. John C. West  
OIG General Counsel  
4616 Howard Lane, Suite 250  
Austin, Texas 78728

OR2009-04757

Dear Mr. West:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 339503.

The Texas Department of Criminal Justice's Office of the Inspector General (the "department") received a request for any negative or case pending documents related to the rehire status of the requestor. You state that you will release some of the requested information. You claim that portions of the remaining information are excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You state that in the information you will be releasing, you will redact portions of the information pursuant to the previous determination issued to the department in Open Records Letter No. 2005-01067 (2005). In Open Records Letter No. 2005-01067 (2005), we issued a previous determination that authorizes the department to withhold information under section 552.117(a)(3) without the necessity of requesting a decision from this office under the Act. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). Section 552.117(a)(3) excepts from public disclosure the present and former home addresses and telephone numbers, social security numbers, and family member information of current or former employees of the department, regardless of whether the current or former employee complies with section 552.1175. *Id.* § 552.117(a)(3). We note that section 552.117 protects personal privacy. Therefore, the requestor has a right of access to private information concerning himself, and that information may not be withheld from him under

section 552.117. *See* Gov't Code § 552.023 (person has special right of access to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). As the requestor is the only current or former department employee whose private information is contained in the submitted information, the department may not withhold any of the submitted information under section 552.117(a)(3) pursuant to Open Records Letter No. 2005-01067 (2005).

Next, section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. The department raises section 552.101 in conjunction with section 508.313 of the Government Code, which provides in part:

(a) All information obtained and maintained [by the Texas Department of Criminal Justice], including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:

- (1) an inmate of the institutional division [of the Texas Department of Criminal Justice] subject to release on parole, release to mandatory supervision, or executive clemency;
- (2) a releasee; or
- (3) a person directly identified in any proposed plan of release for an inmate.

*Id.* § 508.313(a); *see also id.* § 508.001(9) ("releasee" means a person released on parole or to mandatory supervision). The department states, and our review confirms, that the submitted information contains information regarding parolees. Thus, we find that the information we have marked in the submitted information is confidential pursuant to section 508.313. The department informs us that the requestor is not authorized to obtain this information under section 508.313(c). This information is also not made public under section 552.029 of the Government Code. *See id.* § 508.313(f). We therefore conclude that the department must withhold the types of information we have marked under section 552.101 in conjunction with section 508.313 of the Government Code.

Finally, section 552.136 provides that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136.

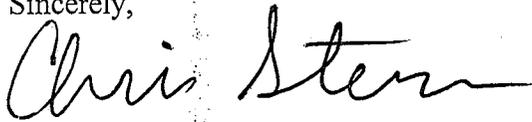
Accordingly, the department must withhold the credit card numbers we have marked under section 552.136 of the Government Code.

In summary, (1) the department must withhold the types of information we have marked under section 552.101 in conjunction with section 508.313 of the Government Code; and (2) the department must withhold the credit card numbers we have marked under section 552.136 of the Government Code. The remaining information must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christopher D. Sterner  
Assistant Attorney General  
Open Records Division

CDSA/eeg

Ref: ID# 339503

Enc. Submitted documents

c: Requestor  
(w/o enclosures)