



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 22, 2009

Mr. James Mu
Assistant General Counsel
Office of the General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2009-05276

Dear Mr. Mu:

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# 340476.

The Texas Department of Criminal Justice (the "department") received a request for information relating to a named inmate of the department. You claim that the information is exempted from disclosure under sections 552.108 and 552.134 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.134 of the Government Code relates to information about inmates of the department and provides in relevant part:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the Texas Department of Criminal Justice is exempted from the requirements of Section 552.021 if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You inform us that the records at issue pertain to an inmate confined in a facility operated by the department. Based on this representation, we agree the submitted information is subject to section 552.134. We find that the exceptions in section 552.029 are not applicable. We note the requestor, who represents the inmate who is the subject of the request, has submitted an "Authorization for Release of Information"

¹We note that in your letter dated February 18, 2009, you have withdrawn your other assertions under the Act.

signed by the inmate. Section 552.023 of the Government Code gives a person or that person's authorized representative a "special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." *Id.* § 552.023. However, section 552.134 does not protect only the inmate's privacy interest, but also protects the interests of the governmental body. As such, the requestor does not have a special right of access to this information under section 552.023. *See id.* § 552.023(b) (governmental body may assert provisions of Act or other law that are not intended to protect person's privacy interests to withhold information to which requestor may otherwise have a special right of access). Accordingly, the department must withhold the submitted information under section 552.134 of the Government Code.²

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, 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/eeg

Ref: ID# 340476

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining argument against disclosure.