



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 21, 2009

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

OR2009-11835

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# 353015.

The Texas Department of Criminal Justice (the "department") received a request for conviction and release documents pertaining to a named individual. You state that you have released some of the requested information. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 508.313 of the Government Code, which provides in part:

- (a) All information obtained and maintained, 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 department] 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.

(f) This section does not apply to information that is subject to required public disclosure under Section 552.029 [of the Government Code].

Id. § 508.313(a). The department states that portions of the submitted information originated from the department's Parole Division's file on the inmate when the inmate was a releasee. We therefore agree that these portions of the submitted information are confidential pursuant to section 508.313. In this case, the requestor is not an entity authorized to obtain the submitted information under section 508.313(c). You inform us that this information is not made public under section 552.029 of the Government Code. *See id.* § 508.313(f). Thus, we find that the department must withhold the portions of the submitted information you have marked under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.¹

The department asserts that the remaining information is excepted from disclosure under section 552.134 of the Government Code, which is applicable to information relating to inmates of the department. This exception states that

[e]xcept as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the [department] is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Id. § 552.134(a). The remaining information concerns an inmate who was confined in a facility operated by the department. Therefore, we agree that section 552.134 is applicable to the remaining information. Thus, the department must withhold the remaining information under section 552.134 of the Government Code.

In summary, the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 508.313 of the

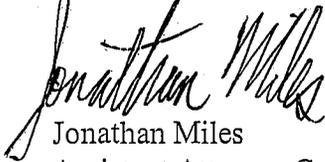
¹As our ruling is dispositive for this information, we need not address your remaining arguments.

Government Code. The remaining information must be withheld under section 552.134 of the Government Code.

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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/cc

Ref: ID# 353015

Enc. Submitted documents

c: Requestor
(w/o enclosures)