



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2009

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

OR2009-14508

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# 358147.

The Texas Department of Criminal Justice (the "department") received a request for the I.Q. test reports pertaining to a named former inmate. You claim that a portion of the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.134(a) of the Government Code relates to inmates of the department and provides:

Except 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.

Gov't Code § 552.134(a). You state the requested I.Q. information pertains to an individual who was formerly an inmate confined in a department facility. Based on your representations and our review, we conclude section 552.134(a) is applicable. Further, the exceptions in section 552.029 of the Government Code are not applicable to the information

at issue. Therefore, the department must withhold the requested I.Q. information pursuant to 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, toll free, at (888) 672-6787.

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 358147

Enc. Submitted documents

cc: Requestor
(w/o enclosures)