



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 4, 2010

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

OR2010-00028

Dear Mr. Brown:

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# 366210.

The Texas Department of Criminal Justice (the "department") received a request for the requestor's employment records regarding four specified incidents, any negative information in the requestor's employment records, and all of the requestor's performance evaluations. You state the department has provided some of the requested information to the requestor. You claim portions of the submitted disciplinary records are excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You assert the marked inmate-identifying information in the submitted disciplinary records is excepted under section 552.134 of the Government Code, which relates to inmates of the department and provides in relevant part:

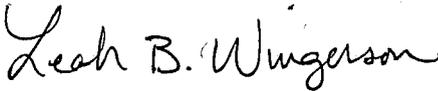
(a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the [department] is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). The submitted information consists of employee disciplinary records, which include inmate-identifying information. We find the inmates' identities in the submitted disciplinary records are subject to section 552.134. We also find the exceptions in section 552.029 are not applicable in this instance. Accordingly, the department must withhold the inmate-identifying information you have marked, and the additional information we have marked, under section 552.134 of the Government Code. As you have claimed no other exceptions to disclosure for the remaining information, it must be released.

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,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 366210

Enc. Submitted documents

c: Requestor
(w/o enclosures)