



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 19, 2010

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

OR2010-02533

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# 371324.

The Texas Department of Criminal Justice (the "department") received two requests from the same requestor for (1) ten specified offense reports and (2) thirty specified complaints. You state some of the requested information will be released. You claim 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. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that an interested party may submit comments stating why information should or should not be released).

Initially, the requestor states he is an employee of the department. However, we note the identity of the requestor is generally not a factor to be considered when a governmental body receives a request for information. *See* Gov't Code § 552.223 (requiring uniform treatment of all requests for information). Further, the requestor states he is making the request for information pursuant to the Act for specified reasons. This office has determined the Act does not permit the consideration by a governmental body or this office of a requestor's intended use of information when responding to open records requests. *See id.* § 552.222(a) (stating governmental body may not inquire into purpose for which information will be used); *see also* Open Records Decision Nos. 508 (1988) at 2 (motives of a person seeking information under the Act are irrelevant), 51 (1974). Therefore, the department may only withhold the submitted information if it is excepted from disclosure under the Act or made confidential by law.

Section 552.134 of the Government Code, which relates to inmates and former inmates of the department, provides in relevant part:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted 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 state the submitted information "consists of information about [department] inmates" excepted from release under section 552.134 of the Government Code. Upon review, we agree most of the submitted information concerns individuals confined as inmates in a facility operated by the department. We find the exceptions in section 552.029 are not applicable in this instance. Therefore, the department must withhold the information we have marked under section 552.134(a) of the Government Code.¹ However, you have failed to demonstrate how the remaining information, including information concerning department employees, policies, and procedures, is subject to section 552.134. Thus, no portion of the remaining information may be withheld under section 552.134 of the Government Code. As you raise no further exception to the disclosure of 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,



Matt Entsminger
Assistant Attorney General
Open Records Division

MRE/rl

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

Ref: ID# 371324

Enc. Submitted documents

c: Requestor
(w/o enclosures)