



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 21, 2010

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

OR2010-09036

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# 383376.

The Texas Department of Criminal Justice (the "department") received a request for documents filed against the requestor relating to a hostile work environment. You state some of the responsive information has been made available to the requestor. You claim 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 of the Government Code 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 seek to withhold the entirety of the submitted information under section 552.134. Upon review, we find a portion of the submitted information consists of information about an inmate confined in a facility operated by the department. You state the information at issue is not subject to section 552.029 of the Government Code.

Accordingly, the department must withhold the information we have marked under section 552.134 of the Government Code. However, the remaining information is about an employee of the department. Thus, we find you have failed to demonstrate how the remaining information is about an inmate for purposes of section 552.134. Accordingly, the remaining information may not be withheld under section 552.134 of the Government Code. As you raise no additional exceptions to disclosure, the remaining information 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jb

Ref: ID# 373376

Enc. Submitted documents

c: Requestor
(w/o enclosures)