



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 8, 2010

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

OR2010-10089

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# 385851.

The Texas Department of Criminal Justice (the "department") received a request for the requestor's employment disciplinary records. You state the department has provided or will provide some of the requested information to the requestor. You claim 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.

Section 552.134 of the Government Code 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.

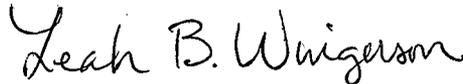
Gov't Code § 552.134(a). The submitted information consists of employee disciplinary records, which do not constitute information about an inmate for purposes of section 552.134. Consequently, the submitted records may not be withheld in their entirety under section 552.134 of the Government Code. The submitted records, however, 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 we have marked under section 552.134 of the Government Code. As you have not claimed any other exceptions to disclosure, the remaining information must be released.¹

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# 385851

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the information being released includes the requestor's social security number, which may be confidential under section 552.117(a)(3) of the Government Code. Because this exception was enacted to protect a person's privacy, the requestor has a right of access to his own private information under section 552.023(a) of the Government Code. See Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect that person's privacy interests).