



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 2010

Mr. John C. West
General Counsel
Office of Inspector General
Texas Department of Criminal Justice
P.O. Box 13084
Austin, Texas 78711-3084

OR2010-10564

Dear Mr. West:

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# 386858 (OIG Open Records Request No. 2010-00098).

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to the requestor, including his personnel file and all investigations pertaining to him. You state you will release some of the requested information to the requestor. You state you are withholding certain addresses, telephone numbers, social security numbers, and personal family information pursuant to sections 552.117 and 552.147(b) of the Government Code, as well as the previous determination issued by this office in Open Records Letter No. 2005-01067 (2005).¹ You claim the remaining requested 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.

Initially, we note the requestor excludes from his request "any offender information." Thus, such information, which we have marked, is not responsive to the present request for

¹We note Open Records Letter No. 2005-01067 serves as a previous determination that the present and former home addresses and telephone numbers, social security numbers, and family member information of current or former employees of the department, regardless of whether the current or former employee complies with section 552.1175 of the Government Code, are excepted from disclosure under section 552.117(a)(3) of the Government Code. Further, section 552.147(b) of the Government Code authorizes a governmental body to redact the social security number of a living person from public release without the necessity of requesting a decision from this office under the Act.

information. The department need not release the non-responsive information we have marked in response to this request, and this ruling will not address that information. As such, we do not address the department's claims under section 552.101 to withhold portions of the information pertaining to the offenders.

We now address your remaining argument against disclosure of the responsive information. Section 552.134 of the Government Code 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). You assert the responsive information consists of information about inmates confined in a facility operated by the department. However, upon review, we find the responsive information consists of information regarding the actions of department employees and does not constitute information about inmates confined in a facility operated by the department for purposes of section 552.134. Thus, section 552.134 is not applicable to the responsive information, and the department may not withhold it on that basis. As you raise no further exceptions to its disclosure, the responsive information must be released to the requestor.

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,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/

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Enc. Submitted documents

c: Requestor
(w/o enclosures)