



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 3, 2010

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

OR2010-11627

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# 391479.

The Texas Department of Criminal Justice (the "department") received a request for the prison credit of a named department inmate over a specified time period. You claim the requested 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, 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 [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). Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part the following:

Notwithstanding Section 508.313 or 552.134, the following information about an inmate who is confined in a facility operated by or under a contract

with the [department] is subject to required disclosure under Section 552.021:

...

(3) the offense for which the inmate was convicted or the judgment and sentence for that offense;

...

(5) the inmate's earliest or latest possible release dates;

(6) the inmate's parole date or earliest possible parole date[.]

Id. § 552.029(3), (5), (6). The department claims the submitted information consists of records pertaining to an inmate confined in a facility operated by the department and is, therefore, subject to section 552.134. However, in this instance, we note the submitted documents contain information subject to subsections 552.029(3), (5), and (6) of the Government Code. *See id.* Thus, the department may not withhold the information subject to section 552.029. Accordingly, with the exception of the information subject to section 552.029, the department must withhold the submitted information under section 552.134 of the Government Code.

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/eb

Ref: ID# 391479

Enc. Submitted documents

c: Requestor
(w/o enclosures)