



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2010

Ms. Patricia Fleming
Assistant General Counsel
Texas Department of Criminal Justice
Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2010-15400

Dear Ms. Fleming:

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# 396240.

The Texas Department of Criminal Justice (the "department") received a request for (1) complaints made to the Correctional Management Health Care Committee (CMHCC) by inmates or family members of inmates regarding healthcare services provided or denied since a specified year, to include all reports, decisions, and audits reached by CMHCC in response to these complaints; (2) copies of all audits produced by the CMHCC related to the costs and types of medical services provided to inmates since a specified year; (3) records pertaining to the costs associated with healthcare services per prisoner provided to inmates since a specified year; and (4) copies of all Texas Public Information Act requests submitted to CMHCC since a specified date as well as the documents provided to requestors pursuant to these requests. You state that the department has made or will make some of the requested information available to the requestor. You claim that the submitted information, which is responsive to the first category of the request, is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.134 of the Government Code relates to information about inmates of the department. This exception provides in relevant part:

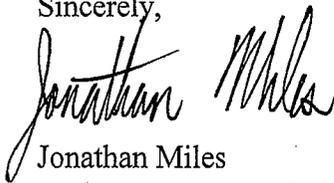
(a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the [department] is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You assert the information at issue consists of information about inmates confined in facilities operated by the department. Upon review, we agree that the submitted information is subject to section 552.134. We find that the exceptions in section 552.029 are not applicable in this instance. Therefore, 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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/eeg

Ref: ID# 396240

Enc. Submitted documents

c: Requestor
(w/o enclosures)