



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 16, 2010

Ms. Charlotte A. Towe  
Assistant General Counsel  
Texas Department of Criminal Justice – Office of the General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2010-17352

Dear Ms. Towe:

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# 400722.

The Texas Department of Criminal Justice (the “department”) received a request for all disciplinary records regarding two named inmates. You claim that the submitted information is excepted from disclosure under section 552.134 of the Government Code. You state that the department has made or will make some of the requested information available to the requestor. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

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.

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<sup>1</sup>We assume 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.

Gov't Code § 552.134(a). Section 552.134 is explicitly made subject to section 552.029, which provides, in relevant part:

[n]otwithstanding [s]ection . . . 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:

...

(8) basic information regarding the death of an inmate in custody, an incident involving the use of force, or an alleged crime involving the inmate.

*Id.* § 552.029(8). Upon review, we agree the submitted information is generally subject to section 552.134. However, we note the submitted information pertains to an incident involving the use of force against an inmate and alleged crimes involving inmates. Under section 552.029, basic information regarding the use of force and crimes involving inmates is subject to required disclosure. As such, the department must release basic information regarding these incidents pursuant to section 552.029(8). *Id.* Basic information includes the time and place of the incident, names of inmates and department officials directly involved, a brief narrative of the incident, a brief description of any injuries sustained, and information regarding criminal charges or disciplinary actions filed as a result of the incident. The department must withhold the remaining 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](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,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/tp

Ref: ID# 400722

Enc. Submitted documents

c: Requestor  
(w/o enclosures)