



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 23, 2011

Ms. Patricia Fleming
Assistant General Counsel
TDCJ – Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342

OR2011-02705

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# 409899.

The Texas Department of Criminal Justice (the “department”) received a request for 1) the names and date of release for offenders who did not qualify to receive a release payment due to detainer during a specified time period, including what type of detainer the offender was subject to; 2) names and date of release for offenders released to the United States Immigration and Customs Enforcement Agency who did not qualify to receive a release payment during a specified time period; and 3) information related to a specified residential center. You state some of the requested information has been or will be released. You claim the submitted 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 relates to inmates of the department and provides in relevant part as follows:

- (a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the Texas Department of Criminal Justice 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 represent the submitted information consists of information about inmates confined in a department facility. You also represent this information is not made public by section 552.029. Therefore, based on your representations and our review, we agree this information is subject to section 552.134 of the Government Code, and the department must withhold the submitted information on that basis.

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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/vb

Ref: ID# 409899

Enc. Submitted documents

c: Requestor
(w/o enclosures)