



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 8, 2011

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General Counsel  
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OR2011-04888

Dear Ms. Towe and 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# 414079 (OIG Req. 2011-00021).

The Texas Department of Criminal Justice (the "department") received a request for any and all records pertaining to a named inmate. The department's Office of the General Counsel (the "OGC") and its Office of the Inspector General (the "OIG") have submitted separate correspondence to this office. The OGC states the requestor narrowed his request with respect to information in the OGC's possession, and the OGC has provided all of its information responsive to the narrowed request. Thus, the OGC has withdrawn its request for a ruling. The OIG claims its submitted investigation records are excepted from disclosure under sections 552.108, 552.130, and 552.134 of the Government Code. We have considered the exceptions the OIG claims and reviewed the submitted information.

Section 552.134 of the Government Code relates to inmates and former inmates of the department and 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

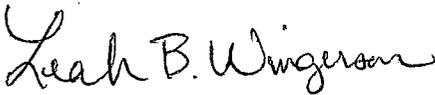
inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). Upon review, we agree all of the submitted information consists of records pertaining to individuals confined as inmates in facilities operated by the department and is, therefore, subject to section 552.134. We find the exceptions in section 552.029 are not applicable in this instance. We note the requestor has provided an "Authorization for the Use and Release of Confidential Health Information" signed by the inmate named in the request. Section 552.023 of the Government Code gives a person or that person's authorized representative a "special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." *See id.* § 552.023(a). Section 552.134, however, does not protect only the inmate's privacy interests, but also protects the interests of the governmental body. As such, the requestor does not have a special right of access to the submitted information under section 552.023. *See id.* § 552.023(b) (governmental body may assert provisions of Act or other law that are not intended to protect person's privacy interests to withhold information to which requestor may otherwise have a special right of access). Therefore, the OIG must withhold the submitted information under section 552.134(a) of the Government Code.<sup>1</sup>

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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

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<sup>1</sup>As our ruling is dispositive, we need not address the OIG's remaining arguments against disclosure.

Ref: ID# 414079

Enc. Submitted documents

c: Requestor  
(w/o enclosures)