



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 11, 2011

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

OR2011-04963

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# 415654.

The Texas Department of Criminal Justice (the "department") received a request for information related to an investigation of the requestor's client for possession of a cellular telephone. 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(a) relates to inmates of the department and provides the following:

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). Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part the following:

Notwithstanding . . . Section 552.134, the following information about an inmate who is confined in a facility operated by or under a contract with the Texas Department of Criminal Justice is subject to required disclosure under Section 552.021:

(1) the inmate's name, identification number, age, birthplace, physical description, or general state of health or the nature of an injury to or critical illness suffered by the inmate;

...

(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(1), (8). On review, we agree the submitted records constitute information about an inmate for purposes of section 552.134. However, the records contain information that concerns an alleged crime involving an inmate. Thus, the department must release basic information concerning the crime. 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 submitted information pursuant to section 552.134.<sup>1</sup>

Finally, although you request a previous determination regarding "disciplinaries of offenders, current and former[,]" we decline to issue one at this time. Accordingly, this letter ruling is limited to the particular records 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 records or any other circumstances.

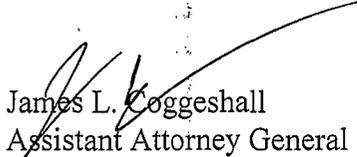
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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

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<sup>1</sup>The department inform us that, pursuant to department policy, it "has the discretion to provide additional copies of documents proved to the offender in the course of agency management of the offender." The department also states that "by policy[,] offenders can have access to, but not a copy of the audio tape of a disciplinary hearing" and that the offender's attorney "may obtain a copy of the completed Form I-47MA (a copy after the case was run) and a (CD) copy of the audio tape." You explain the department "contacted the requestor[,] who declined to accept only what he may have pursuant to TDCJ policy."

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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/bs

Ref: ID# 415654

Enc. Submitted documents

c: Requestor  
(w/o enclosures)