



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 24, 2011

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Mr. John C. West
General Counsel
TDCJ - Office of the Inspector General
4616 West Howard Lane, Suite 250
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OR2011-07291

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# 418865.

The Texas Department of Criminal Justice (the "department") received a request for all information related to a specified incident. 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, as well as separate responsive records each seeks to withhold from disclosure. The OGC states some of its information has been or will be released to the requestor but claims its submitted information is excepted from disclosure under section 552.134 of the Government Code. The OIG claims its submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.134 of the Government Code.¹ We have considered the claimed exceptions and reviewed the submitted information.

¹ While the OIG also raises common-law privacy, along with sections 552.102 and 552.130, it has not presented arguments explaining how these exceptions apply to the submitted information as required by section 552.301. See Gov't Code §§ 552.301(e)(1)(A), .302. Therefore, this ruling does not address those exceptions.

Both the OIG and the OGC raise section 552.134 of the Government Code for their submitted information. This section relates to 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). Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part:

[n]otwithstanding Section . . . 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). We agree the submitted information consists of information about a department inmate; therefore, section 552.134 generally applies to this information. However, the submitted information pertains to an alleged crime involving an inmate. Basic information regarding an alleged crime involving an inmate is subject to required disclosure under section 552.029(8). Basic information includes the time and place of the incident, the names of inmates and department employees who were involved, a brief narrative of the incident, a brief description of any injuries sustained by anyone involved, and information regarding any criminal charges or disciplinary actions that were filed as a result of the incident. Therefore, with the exception of basic information that must be released under section 552.029(8), the department must withhold the OIG's and the OGC's submitted information under section 552.134.²

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

² Because our ruling is dispositive, we do not address the OIG's remaining arguments against disclosure of its submitted information.

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,



Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/bs

Ref: ID # 418865

Enc. Submitted documents

c: Requestor
(w/o enclosures)