



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 3, 2011

Mr. James Mu
Assistant General Counsel
Texas Department of Criminal Justice
Office of the General Counsel
P. O. Box 4004
Huntsville, Texas 77342-4004

OR2011-07889

Dear Mr. Mu:

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# 419445.

The Texas Department of Criminal Justice (the "department") received a request for documentation reflecting the following categories of information about a named department inmate: (1) infractions, disciplinary action, or additional charges while in custody; (2) rehabilitation programs attended and whether they were completed; (3) classification as a gang member; (4) tattoos or markings; and (5) restrictions and classifications placed on the inmate based on his affiliation with a gang. You claim the submitted information is excepted from disclosure under section 552.101 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the department has only submitted documentation reflecting the first two categories of information about the named inmate. To the extent information reflecting the remaining three categories of information about the named inmate existed on the date the department received the request, we assume the department has released it. If not, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Section 552.134 of the Government Code relates to inmates of the department and provides in relevant part as follows:

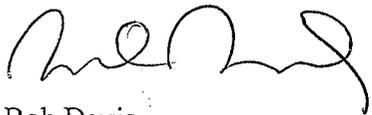
(a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the Texas Department of Criminal Justice is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You represent the submitted information consists of information about an inmate 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. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/eb

Ref: ID# 419445

Enc. Submitted documents

c: Requestor
(w/o enclosures)