



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 15, 2011

Ms. Charlotte A. Towe
Assistant General Counsel
TDCJ - Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2011-08442

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# 420746.

The Texas Department of Criminal Justice (the "department") received a request for "the supplemental DWI risk assessment instrument, any documentation or directions in its use that may exist and explanation of how it is applied in conjunction with the standard risk assessment instrument and determination of the parole guideline score." You indicate the department has released some of the information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We also have considered comments submitted by the requestor. *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes, such as section 508.313 of the Government Code, which provides in pertinent part:

- (a) All information obtained and maintained, including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:

- (1) an inmate of the institutional division [of the department] subject to release on parole, release to mandatory supervision, or executive clemency;
- (2) a releasee; or
- (3) a person directly identified in any proposed plan of release for an inmate.

Id. § 508.313(a). You contend the submitted information constitutes parole records that are confidential under section 508.313(a) of the Government Code. The submitted information consists of a blank “Parole Guidelines and Decision Summary” form, a blank “Risk Item Factors Scale” form, and a blank “Supplemental DWI Risk Assessment Factors and Scale” form. Upon review, we note the submitted information does not pertain to a specific individual. As such, we find the submitted information does not relate to an inmate subject to release on parole, release to mandatory supervision, or executive clemency; a releasee; or a person directly identified in any proposed plan of release for an inmate. *See id.* § 508.313(a). Accordingly, the department may not withhold the submitted information under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code. As you raise no further exceptions to disclosure, the submitted information must be released to the requestor.

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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/bs

Ref: ID# 420746

Enc. Submitted documents

c: Requestor
(w/o enclosures)