



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 14, 2011

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

OR2011-13257

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# 429758.

The Texas Department of Criminal Justice (the "department") received a request for five categories of information relating to a named individual's incarceration at a department facility. You state some information has been or will be provided to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 508.313 of the Government Code, which provides in part:

(a) All information obtained and maintained [by the department], 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); *see id.* § 508.001(9) (“releasee” means a person released on parole or to mandatory supervision). You indicate a portion of the submitted documents, which you have marked, constitutes a parole record that is maintained by the department and relates to a releasee. Upon review, we find the information you have marked relates to a releasee and is subject to section 508.313 of the Government Code. The requestor in this instance is not authorized to obtain the information at issue under section 508.313(c). Further, this information is not made public under section 552.029 of the Government Code. *See id.* § 508.313(f). Accordingly, we determine the submitted parole record is confidential under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.

Section 552.134 of the Government Code is applicable to the remaining information. Section 552.134(a) states the following:

[e]xcept 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 find the remaining information is related to a former inmate of the department. We note that none of the remaining information is subject to section 552.029 of the Government Code. *See id.* § 552.029 (providing that eight specified categories of information about inmate confined in facility operated by or under contract with department are subject to required disclosure, notwithstanding Gov’t Code §§ 508.313 and 552.134). Based on your representation and our review, we conclude the remaining information is confidential under section 552.134 of the Government Code.

In summary, the department must withhold the parole records, which you have marked, under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code. The department must withhold the remaining information under section 552.134 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.

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

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,

A handwritten signature in cursive script that reads "Kirsten Brew".

Kirsten Brew  
Assistant Attorney General  
Open Records Division

KB/em

Ref: ID# 429758

Enc. Submitted documents

c: Requestor  
(w/o enclosures)