



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 7, 2011

Ms. Patricia Fleming  
Assistant General Counsel  
TDCJ-Office of the General Council  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2011-14576

Dear Ms. Fleming:

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# 434822.

The Texas Department of Criminal Justice (the "department") received a request for "information regarding the Amarillo parole panel's decision on Aug[ust] 2, 2011 to withdraw approval for parole in October 2011 for" a named offender. You state the department has released or will release some of the requested information, but claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor has asked the department to answer questions. The Act does not require a governmental body to answer factual questions, conduct legal research, or create new information in responding to a request. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). However, a governmental body must make a good faith effort to relate a request to information held by the governmental body. *See* Open Records Decision No. 561 at 8 (1990). We assume the department has made a good faith effort to do so.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes, including section 508.313 of the Government Code. Section 508.313(a) provides the following:

(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:

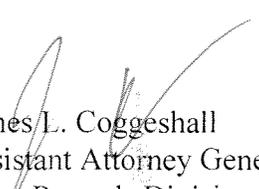
- (1) an inmate of the institutional division [of the department] subject to release on parole, release to mandatory supervision, or executive clemency;
- (2) a releasee; or
- (3) a person directly identified in any proposed plan of release for an inmate.

Gov't Code § 508.313(a). You indicate the submitted information consists of parole records that relate to an individual subject to release on parole, release to mandatory supervision, or executive clemency. *See id.* § 508.001(5)-(6) (defining "mandatory supervision" and "parole"). You state the requestor is not authorized to obtain the information in question under section 508.313(c). *See id.* § 508.313(c)-(d). We also find the submitted information is not of the kind made public under section 552.029 of the Government Code. *See id.* §§ 508.313(f), 552.029. Based on your representations and our review, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.

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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/ag

Ms. Patricia Fleming - Page 3

Ref: ID# 434822

Enc. Submitted documents

c: Requestor  
(w/o enclosures)