



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 1, 2012

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

OR2012-06260

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# 452243.

The Texas Department of Criminal Justice (the "department") received a request for parole records concerning a named person. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.101 excepts from public 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 made confidential by other statutes, such as section 508.313 of the Government Code. Section 508.313 provides in relevant 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 state the submitted information consists of documents originating from the Parole Division file of the department regarding the named individual, who is a releasee. You do not inform us the requestor is an entity authorized to obtain the information at issue under section 508.313(c) or that the information is subject to release under chapter 62 of the Code of Criminal Procedure. *See id.* § 508.313(c), (e). You further state the submitted information is not made public by section 552.029 of the Government Code. *See id.* § 508.313(f). Based on your arguments and our review of the submitted information, we find the submitted information is confidential under section 508.313 and must be withheld under section 552.101 on that basis.<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.

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,



Misty Haberer Barham  
Assistant Attorney General  
Open Records Division

MHB/som

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

Ref: ID# 452243

Enc. Submitted documents

c: Requestor  
(w/o enclosures)