



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 24, 2012

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

Mr. John C. West
General Counsel
Office of the Inspector General
Texas Department of Criminal Justice
4616 Howard Lane, Suite 250
Austin, Texas 78728

OR2012-07949

Dear Ms. Towe and Mr. West:

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# 454778.

The Texas Department of Criminal Justice (the "department") received a request for all records related to a specified incident involving the requestor. The department's Office of the Inspector General (the "OIG") and Office of General Counsel (the "OGC") have submitted separate correspondence to this office, as well as separate responsive records each seeks to withhold from disclosure. The OIG states it will redact information pursuant to sections 552.117 and 552.147(b) of the Government Code, as well as the previous

determination issued by this office in Open Records Letter No. 2005-01067 (2005).¹ The OIG claims its submitted information is excepted from disclosure under sections 552.101, 552.102, and 552.134 of the Government Code. The OGC claims its submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Section 552.134 of the Government Code encompasses information relating to inmates of the department and states, in relevant part:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted from the requirements of Section 552.021 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). Both the OIG and OGC raise section 552.134 as an exception to disclosure of their information. The OIG and OGC state the submitted information relates to an inmate confined in a department facility. Upon review, we find the OIG's and OGC's submitted information constitutes information about an inmate. Therefore, we agree this information is subject to section 552.134. We also find section 552.029 of the Government Code does not apply to the submitted information. Therefore, the OIG and OGC must withhold their submitted information under section 552.134 of the Government Code. As our ruling is dispositive, we do not address the OIG's 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

¹Open Records Letter No. 2005-01067 authorizes the department to withhold the present and former home addresses and telephone numbers, social security numbers, and family member information of its current or former employees under section 552.117(a)(3) of the Government Code, regardless of whether the current or former employee complies with section 552.1175 of the Government Code, without the necessity of requesting a decision under the Act. *See* Open Records Decision No. 673 at 7-8 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). Section 552.147(b) of the Government Code authorizes a governmental body to redact the social security number of a living person from public release without the necessity of requesting a decision under the Act. *See* Gov't Code § 552.147(b).

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 "Jessica Marsh".

Jessica Marsh
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 454778

Enc. Submitted documents

c: Requestor
(w/o enclosures)