



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 14, 2012

Ms. Patricia Fleming
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2012-09203

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# 458380.

The Texas Department of Criminal Justice (the "department") received a request for disciplinary information involving the requestor. You indicate the department will release any responsive information that is not the subject of your request for this decision. You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.134 of the Government Code is applicable to information related to current or former inmates of the department. Section 552.134(a) provides as follows:

Except 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). Section 552.029 of the Government Code provides that

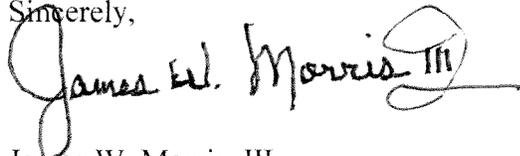
[n]otwithstanding Section 508.313 [of the Government Code] or [section] 552.134, [eight categories of] information about an inmate who is confined in a facility operated by or under a contract with the [department are] subject to required disclosure under Section 552.021 [of the Government Code.]

Id. § 552.029(8). Thus, section 552.134 is explicitly made subject to section 552.029. We find section 552.134(a) is applicable to the information at issue. We also find none of the information at issue is subject to disclosure under section 552.029. We therefore conclude the department must withhold the submitted information under section 552.134 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, 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 black ink that reads "James W. Morris III". The signature is written in a cursive style with a long horizontal line extending from the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bs

Ref: ID# 458380

Enc: Submitted documents

c: Requestor
(w/o enclosures)