



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 22, 2012

Mr. James Mu
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Mr. John C. West
General Counsel
Office of the Inspector General
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4616 West Howard Lane, Suite 250
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OR2012-13256

Dear Mr. Mu 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# 462779 (OIG ORR# 2012-0116).

The Texas Department of Criminal Justice (the "department") received a request for all documents regarding any investigations or decisions concerning restricting the requestor's client's visits with her husband. 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, 552.130, and 552.134 of the Government Code.² The OGC claims its 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 552.134 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. The OGC and the OIC state the submitted information is about an inmate confined in a department facility. Upon review, we find section 552.134(a) is applicable to the submitted information. We also find none of the submitted information is subject to disclosure under section 552.029. Therefore, we find the department must withhold the submitted information under section 552.134 of the Government Code.³

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).

²Although the OIG also raised sections 552.102 and 552.108 of the Government Code, the OIG has not submitted arguments explaining how these exceptions apply to the submitted information. Therefore, we assume the OIG has withdrawn these exceptions. *See* Gov't Code §§ 552.301, .302.

³As our ruling is dispositive, we need not address the OGC's and 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 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,



Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/dls

Ref: ID# 462779

Enc. Submitted documents

c: Requestor
(w/o enclosures)