



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 28, 2012

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

OR2012-13601

Dear 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# 463220 (OIG Open Records 2012-00114).

The Texas Department of Criminal Justice (the "department") received a request for the names of inmates assigned to a specified cell and adjoining cells on specified dates. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

We first note the requestor only seeks access to inmates' names. Therefore, the rest of the submitted information is not responsive to his request. This decision does not address the public availability of the submitted information that is not responsive to the request, and the department need not release that information in response to the request.

You claim the responsive information is excepted from disclosure under section 552.134 of the Government Code, which is applicable to information related to inmates of the department. Section 552.134(a) states that

[e]xcept 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 in part:

Notwithstanding Section . . . 552.134, the following information about an inmate who is confined in a facility operated by or under a contract with the [department] is subject to required disclosure under [the Act]:

...

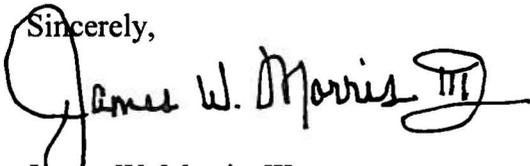
(8) basic information regarding the death of an inmate in custody, an incident involving the use of force, or an alleged crime involving the inmate.

*Id.* § 552.029(8). Thus, section 552.134 is explicitly made subject to section 552.029. In this instance, the information at issue is the name of an inmate who was involved in alleged crimes. We note basic information under section 552.029(8) includes such an inmate's name. Therefore, notwithstanding section 552.134(a) of the Government Code, the department must release the inmate's name pursuant to section 552.029(8) of the Government Code.<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,

A handwritten signature in black ink that reads "James W. Morris III". The signature is written in a cursive style with a large initial "J" and a stylized "M".

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

JWM/bhf

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<sup>1</sup>As we are able to make this determination, we need not address your other arguments against disclosure, except to note the name of an arrested person is not excepted from disclosure under section 552.108 of the Government Code. See Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-88 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 at 3-4 (1976).

Ref: ID# 463220

Enc: Submitted documents

c: Requestor  
(w/o enclosures)