



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 29, 2012

Ms. Patricia Fleming
Assistant General Counsel
TDCJ - Office of General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2012-17220

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# 469195.

The Texas Department of Criminal Justice (the "department") received a request for a log of the dates and times the requestor visited a named inmate, information related to complaints made by department staff against the requestor, and complaints made by the requestor against department staff. You state you have released some of the responsive information to the requestor. You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. We have also considered comments provided to this office by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.134 of the Government Code encompasses information relating to inmates and former inmates of the department and provides:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted from [required public

¹You state you withdraw your assertion of sections 552.102, 552.103, 552.104, 552.107, 552.108, 552.110, 552.111, 552.116, 552.122, 552.130, 552.1325, 552.136, and 552.137. Further, although you initially raised section 552.101, you have provided no arguments regarding the applicability of that section to the submitted information. Accordingly, we assume you have withdrawn your assertion of section 552.101. *See* Gov't Code §§ 552.301, .302.

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). Upon review, we find the information we have marked consists of records pertaining to an individual confined as an inmate in a facility operated by the department and is, therefore, subject to section 552.134. We find the exceptions in section 552.029 are not applicable in this instance. The requestor states in her comments that section 552.134 is inapplicable to the marked information at issue because "the only inmate referenced in the request is my husband ... and he will sign documents stating he wishes the information to be provided to me." Thus, we understand the requestor to assert she has a right of access to the marked information subject to section 552.134. Although section 552.023 of the Government Code gives a person or the person's authorized representative a "special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests," we note section 552.134 does not protect only the inmate's privacy interest. *See id.* § 552.023. Therefore, section 552.023 does not provide the requestor a special right of access to the marked information. Accordingly, the department must withhold the marked information under section 552.134(a) of the Government Code. However, the remaining information pertains to a complaint of misconduct by department employees. As such, this information is not "about an inmate" for purposes of section 552.134 and may not be withheld on that basis. As you raise no further exceptions to disclosure, the remaining information must be released.

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,


Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

Ref: ID# 469195

Enc. Submitted documents

c: Requestor
(w/o enclosures)