



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 17, 2013

Mr. Erik Brown  
Assistant General Counsel  
TDCJ - Office of the General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2013-01058

Dear Mr. Brown:

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# 476467.

The Texas Department of Criminal Justice (the "department") received a request for the requestor's "rehire review required form with supporting documentation."<sup>1</sup> You state you will release some responsive information to the requestor. 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 submitted information.

Section 552.134(a) of the Government Code, which relates to inmates of the department, provides in relevant part:

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.

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<sup>1</sup>You state the department sought and received clarification of the request for information. See Gov't Code § 552.222(b) (stating that if information requested is unclear to governmental body or if a large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

Gov't Code § 552.134(a). The submitted information pertains to an investigation of the requestor's conduct during her employment with the department. Therefore, the submitted information does not consist of records "about an inmate" for purposes of section 552.134 and may not be withheld in its entirety under section 552.134. The submitted records, however, include inmate-identifying information. Consequently, the department must withhold the inmate-identifying information we have marked under section 552.134 of the Government Code. However, none of the remaining information is subject to section 552.134 and it may not be withheld on that basis.<sup>2</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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

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<sup>2</sup>We note the information being released contains information relating to the present requestor that the department ordinarily would be required to withhold under section 552.117(a)(3) of the Government Code. Because section 552.117 protects privacy, the requestor has a right to her own private information under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Open Records Letter No. 2005-01067 (2005) 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). Thus, if the department receives another request for this information from a different requestor, Open Records Letter No. 2005-01067 authorizes the department to withhold the present requestor's personal information.

Ref: ID# 476467

Enc. Submitted documents

c: Requestor  
(w/o enclosures)