



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 20, 2014

Ms. Bettie L. Wells  
General Counsel  
Texas Board of Pardons and Paroles  
P.O. Box 13401  
Austin, Texas 78711

OR2014-04693

Dear Ms. Wells:

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# 522217.

The Texas Board of Pardons and Paroles (the "board") received a request for information pertaining to the requestor's client, including a specified interview and clemency application. The board states it has withheld portions of the requested information in accordance with Open Records Letter Nos. 2010-16375 (2010), 2001-3026 (2001), and 2000-3696 (2000).<sup>1</sup> See Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). The board claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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<sup>1</sup>Open Records Letter No. 2010-16375 serves as a previous determination for the board to withhold staff reports pertaining to offenders subject to executive clemency and electronic records maintained in the clemency database and pertaining to offenders subject to executive clemency under section 552.101 of the Government Code in conjunction with section 508.313(a) of the Government Code. Open Records Letter No. 2001-3026 serves as a previous determination for the board to withhold six categories of information maintained by the board as part of clemency applications under section 552.101 in conjunction with section 508.313(a). Open Records Letter Number 2000-3696 serves as a previous determination for the board to withhold petitions for clemency under section 508.313 of the Government Code.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 508.313 of the Government Code provides, in part, the following:

(a) All information obtained and maintained, including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:

(1) an inmate of the institutional division subject to release on parole, release to mandatory supervision, or executive clemency;

(2) a releasee; or

(3) a person directly identified in any proposed plan of release for an inmate.

(b) Statistical and general information relating to the parole and mandatory supervision system, including the names of releasees and data recorded relating to parole and mandatory supervision services, is not confidential or privileged and must be made available for public inspection at any reasonable time.

(c) The department, on request or in the normal course of official business, shall provide information that is confidential and privileged under Subsection (a) to:

(1) the governor;

(2) a member of the board or a parole commissioner;

(3) the Criminal Justice Policy Council in performing duties of the council under Section 413.017; or

(4) an eligible entity requesting information for a law enforcement, prosecutorial, correctional, clemency, or treatment purpose.

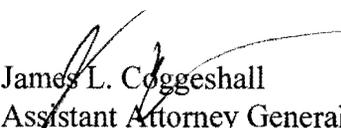
*Id.* § 518.313(a)-(c). You state the submitted information consists of information the board maintains relating to an inmate subject to executive clemency. Based on this representation, we find the submitted information is confidential under section 508.313(a). The submitted information does not consist of statistical and general information relating to the parole and mandatory supervision system. *See id.* § 508.313(b). You inform us the requestor is not an

entity authorized to obtain the requested information under section 508.313(c). Further, we note the information is not subject to section 552.029 of the Government Code. *See id.* § 508.313(f). Therefore, we conclude the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 508.313(a) of the Government Code.

You also ask this office to issue a previous determination permitting the board to withhold any notes taken before or during an interview with an offender who is subject to executive clemency where the notes are taken for the purpose of gathering information to use in preparation of a staff report pertaining to the same offender under section 552.101 of the Government Code in conjunction with section 508.313(a) of the Government Code, without the necessity of requesting a ruling from our office under the Act. However, we decline to issue one at this time. Accordingly, this letter ruling is limited to the particular records 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 records 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

Ref: ID# 522217

Enc. Submitted documents

c: Requestor  
(w/o enclosures)