



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 23, 2014

Ms. Cynthia Tynan
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2014-06647

Dear Ms. Tynan:

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# 520550 (OGC # 154206).

The University of Texas Medical Branch at Galveston (the "university") received a request for autopsy reports pertaining to 90 named inmates. You state the university has no information responsive to some of the individuals named in the request.¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.134 of the Government Code. Additionally, you state, and provide documentation showing, you have notified the Texas Department of Criminal Justice (the "department") of its right to submit comments to this office as to why the responsive information should not be released.² See Gov't Code § 552.304 (interested party may submit comments stating why

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

²As of the date of this letter, this office has not received comments from any third party explaining why any of the submitted information should not be released.

information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

Section 552.134 of the Government Code excepts from disclosure information relating to inmates of the department. Section 552.134 provides, in relevant part, as follows:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted from the requirements of Section 552.021 if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Id. § 552.134(a). You state, pursuant to the Correctional Managed Health Care Committee Contract, the university is responsible for coordinating autopsy services for deceased inmates on a statewide basis and maintains all of the completed autopsy reports for the department. Based on these representations and our review, we find the submitted information consists of information about inmates maintained by the university on behalf of the department. Therefore, the university must withhold the submitted information under section 552.134 of the Government Code.³

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.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,



Miriam A. Khalifa
Assistant Attorney General
Open Records Division

MAK/akg

³As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 520550

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Patricia Fleming
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(w/o enclosures)