



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 8, 2016

Ms. Patricia Fleming  
Assistant General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2016-03002

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# 597618.

The Texas Department of Criminal Justice (the "department") received a request for (1) information pertaining to a specified incident involving the requestor's client, and (2) any complaints or grievances filed against a named department employee. You state you have released some 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 of the Government Code relates to information about inmates of the department. This exception provides, in relevant part:

(a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the Texas Department of Criminal Justice 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 Section 552.021:

...

(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. You state the submitted information pertains to an inmate who is confined in a facility operated by the department. Upon review, we agree some of the submitted information is subject to section 552.134 of the Government Code. However, although you assert section 552.029 of the Government Code does not apply to this information, we find the information at issue relates to a crime involving the named inmate. Thus, the department must release basic information about the crime involving the named inmate pursuant to section 552.029. The basic information that must be released includes the time and place of the incident, the names of inmates and of department employees who were involved, a brief narrative of the incident, a brief description of any injuries sustained by anyone involved, and information regarding any criminal charges or disciplinary actions that were filed as a result of the incident. Accordingly, except for basic information under section 552.029(8) of the Government Code, the department must withhold the information we have marked under section 552.134 of the Government Code. However, we note the remaining information pertains to the conduct of a department employee, and therefore, is not “about an inmate” for purposes of section 552.134 and may not be withheld in its entirety on that basis. We note the remaining information includes inmate-identifying information. We find this information is subject to section 552.134. We also find the exceptions in section 552.029 are not applicable to this information. Therefore, the department must withhold the inmate identifying information we have marked in the remaining information under section 552.134 of the Government Code.

In summary, with the exception of basic information, the department must withhold the information we have marked under section 552.134 of the Government Code. The department must withhold the inmate-identifying information we have marked under section 552.134 of the Government Code. The department must release the remaining information.<sup>1</sup>

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<sup>1</sup>We note the requestor has a special right of access to some of the information being released in this instance. See Gov’t Code § 552.023(a). Therefore, if the department receives another request for this information from a different requestor, the department must seek another ruling from this office.

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](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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/akg

Ref: ID# 597618

Enc. Submitted documents

c: Requestor  
(w/o enclosures)