



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 26, 1993

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
P. O. Box 99
Huntsville, Texas 77342-0099

OR93-036

Dear Mr. Peck:

The Texas Department of Criminal Justice has received a request from an inmate for his classification file under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your letter referring this matter to us was assigned ID# 17601.

You state that the most of classification file was made available to the inmate, and that some material not provided to him was covered by earlier precedent. You request a ruling under the Open Records Act about one document concerning classification review. You believe the document is excepted from required disclosure by sections 3(a)(8) and 3(a)(11) of the Open Records Act.

Section 3(a)(8) provides an exception for:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution

The Texas Department of Criminal Justice is a law enforcement agency within section 3(a)(8) of the Open Records Act. Open Records Decision No. 413 (1984). We have reviewed the document and agree that section 3(a)(8) excepts it from required disclosure to the public. Accordingly, you are not required to release it to the individual who requested it.

Since this information may be withheld pursuant to section 3(a)(8), we need not address section 3(a)(11).¹

Because prior published open records decisions resolve this matter, we are communicating our decision by this informal letter ruling rather than by published open records decision. If you have questions about this ruling, please refer to OR93-036.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Opinion Committee

slg/lmm

Ref.: ID# 17601

cc: Burnice Joe Birdo
TDCJ # 406367
Clements Unit

Ethan Westfall
Chief Classification Officer
Clements Unit

¹See *Texas Dep't of Pub. Safety v. Gilbreath*, No. 3-92-024-CV (Tex. App.--Austin, Nov. 25, 1992) (construing section 3(a)(11) of the Open Records Act).

INTER-OFFICE MEMORANDUM

TO: Opinion Committee, Records Management

FROM: Lyn Martin

DATE: February 17, 1993

SUBJECT: OR93-037 OVERRULED

We have overruled OR93-037. Please place this memo with your old OR93-037.

The new open records ruling relating to this matter is OR93-068.

