



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 13, 2009

Mr. John C. West  
OIG General Counsel  
Office of the Inspector General  
Texas Department of Criminal Justice  
4616 Howard Lane, Suite 250  
Austin, Texas 78728

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

OR2009-06454

Dear Mr. West and 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# 342980 (OIG ORR File # OR-2009-000059).

The Texas Department of Criminal Justice (the "department") received a request for employment information pertaining to the requestor. You state the department will release some of the requested information with redactions pursuant to the previous determination issued to the department in Open Records Letter No. 2005-01067 (2005) and section 552.147 of the Government Code.<sup>1</sup> You claim that the submitted information is excepted from

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<sup>1</sup>Open Records Letter No. 2005-01067 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 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147.

disclosure under sections 552.101 and 552.134 of the Government Code.<sup>2</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the department has redacted the former parole officer's social security number. The requestor has a special right of access to her own social security number.<sup>3</sup> Thus, the department must release the requestor's social security number.

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

(a) All information obtained and maintained [by the Texas Department of Criminal Justice], 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 [of the Texas Department of Criminal Justice] 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.

Gov't Code § 508.313(a); *see also id.* § 508.001(9) ("releasee" means a person released on parole or to mandatory supervision). The department asserts that the submitted information relates to an investigation into allegations that a parole officer falsified documentation regarding making home visits to releasees. You state the some of the submitted information consists of a case file containing releasee information, including "Visual Contact Visit Sheets, names and other identifying information of parolees, screen prints from the [department's] parolee management system regarding multiple parolees, and family contact information about multiple parolees." You have also submitted an interoffice memorandum

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<sup>2</sup>Although, you raised section 552.108 of the Government Code as an exception to disclosure of the requested information, you have provided no arguments regarding the applicability of this section. Since you have not submitted arguments concerning this exception, we assume that you no longer urge it. *See* Gov't Code §§ 552.301(b), (e), .302.

<sup>3</sup>*See* Gov't Code § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles).

pertaining to the allegations against the parole officer, which you state contains information about releasees and information associated with the conditions of their parole. After reviewing the department's arguments and the submitted information, we agree some of the submitted information, which we have marked, is subject to section 508.313. You inform us that the requestor is not an entity authorized to obtain the information at issue under section 508.313(c). The information we marked is also not made public under section 552.029 of the Government Code. *See id.* § 508.313(f). Based on your representations and our review, we conclude that the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.<sup>4</sup> However, the remaining information does not relate to a releasee of the department and thus may not be withheld under section 552.101 on the basis of section 508.313 of the Government Code.

The department also raises section 552.134 of the Government Code for the remaining information. Section 552.134(a) relates to inmates of the department and provides:

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). We note that none of the remaining information concerns inmates confined in a facility operated by or under a contract with the department. Therefore, none of the remaining information may be withheld under section 552.134 of the Government Code.

In summary, the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code. As no further exceptions are raised, the remaining information must be released to the requestor.

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

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<sup>4</sup>As our ruling is dispositive, we need not address the remaining argument for this information.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in cursive script that reads "Laura E. Ream".

Laura E. Ream  
Assistant Attorney General  
Open Records Division

LER/dls

Ref: ID# 342980

Enc. Submitted documents

c: Requestor  
(w/o enclosures)