



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 14, 2009

Mr. Erik Brown
Assistant General Counsel
TDCJ—Office of the General Counsel
P.O. Box 4004
Hunstville, Texas 77342-4004

OR2009-06560

Dear 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# 343047.

The Texas Department of Criminal Justice (the “department”) received four requests from the same requestor for information related to four specified complaints. You claim that the submitted information is excepted from disclosure under section 552.134 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note that you have only submitted one equal employment opportunity complaint dated April 12, 2007. To the extent information responsive to the other portions of the request existed on the date the department received the request, we assume the department has released it to the requestor. If the department has not released any such information, the department must release it to the requestor at this time. *See* Gov’t Code §§ 552.301(a), .302; Open Records Decision No. 664 (2000) (noting that if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under the circumstances).

Section 552.134 of the Government Code relates to inmates of the department and provides in relevant part:

¹We note that in your letter dated March 16, 2009, you have withdrawn your other assertions under the Act.

(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). You claim the submitted complaint is excepted in its entirety from disclosure under section 552.134. Upon review, we agree that portions of the submitted information pertain to inmates confined in a facility operated by the department. Accordingly, the department must withhold the information we have marked under section 552.134 of the Government Code. However, we note that the remaining information is not about inmates of the department. Therefore, section 552.134 is not applicable to any of the remaining information and the department may not withhold it under this exception. As no further exceptions have been raised, the remaining information must be released.

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

Sincerely,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/cc

Ref: ID# 343047

Enc. Submitted documents

c: Requestor
(w/o enclosures)