



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 26, 2009

Mr. James Mu
Assistant General Counsel
TDCJ – Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2009-07059

Dear Mr. Mu:

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# 344044.

The Texas Department of Criminal Justice (“TDCJ”) received a request from a TDCJ correctional officer for the requestor’s complete personnel file. You state that TDCJ will release some information to the requestor. You claim that 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 provides in relevant part:

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by [TDCJ] 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.

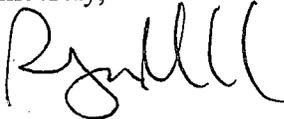
Gov’t Code § 552.134(a). The information at issue consists of a use of force report and related materials used in a disciplinary proceeding against the requestor, a correctional officer in a TDCJ facility. We find that you have not established that this information is

“information about an inmate” as contemplated by section 552.134.¹ Therefore, TDCJ may not withhold any of the submitted information under section 552.134 of the Government Code. As you raise no further exceptions against disclosure, TDCJ must release the submitted information.

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,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/cc

Ref: ID# 344044

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

¹We note that the submitted materials contain the name and TDCJ identification number of an inmate involved in an incident involving the use of force. This information is subject to required disclosure under section 552.029 of the Government Code and therefore is not subject to section 552.134 of the Government Code. See Gov’t Code §§ 552.029(1), (8); .134.