



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 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

OR2009-09863

Dear Mr. West:

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# 349320 (OIG ORR File # OR-2009-00123).

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to the requestor's employment, including why he was denied employment. You state that the department plans to release some of the requested information. You state that the department will redact some of the requested information 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.¹ 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 relates to inmates of the department. This exception provides in relevant part:

¹Open 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.

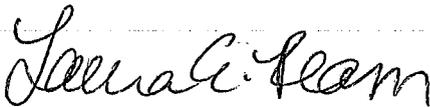
(a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the Texas Department of Criminal Justice is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You assert that the submitted records consist of information about an inmate confined in a facility operated by the department. Upon review, we agree that some of the submitted information pertains to an inmate 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. The remaining information, however, consists of an investigation into alleged misconduct by a department employee and not information pertaining to an inmate. Thus, section 552.134 is not applicable to the remaining information, and the department may not withhold it on that basis. As you raise no further exceptions to its disclosure, 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, 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,



Laura E. Ream
Assistant Attorney General
Open Records Division

LER/sdk

Ref: ID# 349320

Enc. Submitted documents

c: Requestor
(w/o enclosures)