



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 17, 2009

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

OR2009-09917

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# 349347.

The Texas Department of Criminal Justice (the “department”) received a request for “the most recent Board Minutes Screen pertaining [sic] the last review, including the parole guideline score” regarding five named individuals.<sup>1</sup> You state that the department has made some of the requested information available to the requestor. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.<sup>2</sup> We have also considered comments submitted by the Texas Board of Pardons and Paroles (the “board”). *See* Gov’t Code § 552.304 (interested party may submit written comments concerning disclosure of requested information).

---

<sup>1</sup>We note the department sought and received clarification of the information requested from the requestor. *See* Gov’t Code § 552.222(b) (stating that if information requested is unclear, governmental body may ask requestor to clarify or narrow request).

<sup>2</sup>To the extent any additional responsive information existed on the date the department received this request, we assume the department has released it. If the department has not released any such records, it must do so at this time. *See* Gov’t Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Initially, we note that the information we have marked is not responsive to the present request, because it does not pertain to any of the five named individuals. The department need not release nonresponsive information in response to this request, and this ruling will not address that information.

Next, 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 department], 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 department] 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.

*Id.* § 508.313(a); *see id.* § 508.001(9) ("releasee" means a person released on parole or to mandatory supervision). The department and the board state the submitted information originated from the department's Parole Division files of releasees and was generated while the inmates were "subject to release to mandatory supervision, or parole or executive clemency." After reviewing the submitted arguments and the information at issue, we agree the responsive submitted information is subject to section 508.313. In this case, the requestor is not an entity authorized to obtain the information at issue under section 508.313(c). You also inform us that this information is not made public under section 552.029 of the Government Code. *See id.* § 508.313(f). We therefore conclude that the department must withhold the responsive submitted information under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.<sup>3</sup>

In summary, (1) the department need not release nonresponsive information in response to the present request; and (2) the department must withhold the responsive submitted information under section 552.101 of the Government Code in conjunction with section 508.313 of the Government Code.

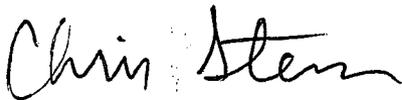
---

<sup>3</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.

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

Sincerely,



Christopher D. Sterner  
Assistant Attorney General  
Open Records Division

CDSA/eeg

Ref: ID# 349347

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Ms. Bettie L. Wells  
General Counsel  
Texas Board of Pardons and Paroles  
P.O. Box 13401  
Austin, Texas 78711  
(w/o enclosures)