



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 24, 2009

Ms. Patricia Fleming  
Assistant General Counsel  
TDCJ – Office of the General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2009-11850

Dear Ms. Fleming:

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# 353068.

The Texas Department of Criminal Justice (“TDCJ”) received a request for: (1) a letter written by the requestor’s husband, a TDCJ inmate; and (2) certain inmate visitor list information. 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 relates to TDCJ inmates and provides in relevant part:

(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.

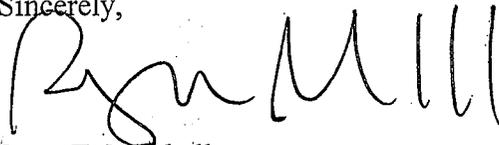
Gov’t Code § 552.134(a). You state that the submitted information relates to TDCJ inmates. This information is not “statistical or other aggregated information” and you do not indicate that any of the involved inmates are sentenced to death. Therefore, this information is not subject to either of the exceptions listed in section 552.134(b). *See id.* § 552.134(b).

Furthermore, the exceptions in section 552.029 of the Government Code are not applicable to the information at issue. *See id.* § 552.029. Accordingly, we conclude that TDCJ must withhold this information under section 552.134 of the Government Code.

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,

A handwritten signature in black ink, appearing to read "Ryan T. Mitchell". The signature is fluid and cursive, with the first name "Ryan" being more prominent than the last name "Mitchell".

Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/eeg

Ref: ID# 353068

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)