



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2009

Mr. James Mu
Assistant General Counsel
Texas Department of Criminal Justice - Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2009-14179

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# 357893.

The Texas Department of Criminal Justice (the "department") received a request for the requestor's prison records. You state that "responsive non-confidential information" has been or will be made 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.

Section 552.134 of the Government Code relates to inmates of the department 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 [department] 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. Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part the following:

Notwithstanding . . . Section 552.134, the following information about an inmate who is confined in a facility operated by or under a contract with the Texas Department of Criminal Justice is subject to required disclosure under Section 552.021:

(8) basic information regarding the death of an inmate in custody, an incident involving the use of force, or an alleged crime involving the inmate.

Id. § 552.029(8). The submitted documents consist of information about the requestor, a former inmate who was confined in a facility operated by the department. Thus, we conclude that section 552.134(a) is generally applicable to this information. Although section 552.023 of the Government Code gives a person a “special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests,” we note that section 552.134 does not protect only the inmate’s privacy interest. *See id.* § 552.023. Therefore, we agree section 552.023 does not provide the requestor a special right of access to the submitted information. We note, however, the submitted documents contain information that concerns alleged crimes involving the requestor during his confinement. Thus, the department must release basic information concerning the crimes. *See id.* § 552.029(8). Basic information includes the time and place of the incident, names of inmates and department officials directly involved, a brief narrative of the incident, a brief description of any injuries sustained, and information regarding criminal charges or disciplinary actions filed as a result of the incident. Accordingly, with the exception of basic information, the department must withhold the remaining information pursuant to section 552.134. 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, 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, toll free, at (888) 672-6787.

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

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Enc. Submitted documents

cc: Requestor
(w/o enclosures)