



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 21, 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

OR2009-14920

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# 358947.

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to a named inmate, including the inmate's assigned housing unit. 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 excepts from disclosure information about inmates of the department. This exception 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(a). Section 552.029 of the Government Code states:

Notwithstanding Section 508.313 or Section 552.134, the following information about an inmate who is confined in a facility operated by or

under a contract with the [department] is subject to required disclosure under Section 552.021:

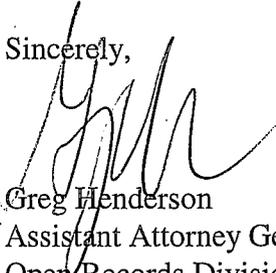
(2) the inmate's assigned unit or the date on which the unit received the inmate, unless disclosure of the information would violate federal law relating to the confidentiality of substance abuse treatment[.]

Id. § 552.029(2). The submitted records pertain to an inmate who is confined in a facility operated by the department. Upon review, we agree the submitted inmate records are subject to section 552.134. However, the submitted information contains the inmate's assigned unit. Thus, this information is subject to section 552.029(2). Accordingly, the department may not withhold the information that is subject to section 552.029(2). Therefore, with the exception of the information that must be released under section 552.029(2), the department must withhold the submitted inmate records under section 552.134(a) 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, 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,



Greg Henderson
Assistant Attorney General
Open Records Division

GH/rl

Ref: ID# 358947

Enc. Submitted documents

c: Requestor
(w/o enclosures)