



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 4, 2009

Mr. John C. West  
General Counsel  
Office of the Inspector General  
Texas Department of Criminal Justice  
4616 Howard Lane, Suite 250  
Austin, Texas 78728

OR2009-15700

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# 360785 (OIG ORR# OR-2009-000228).

The Texas Department of Criminal Justice's Office of the Inspector General (the "OIG") received a request for any files related to a particular individual. You state the OIG will provide some of the requested information to the requestor. 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.

Initially, you state the information you will release has been redacted pursuant to section 552.147 of the Government Code. 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. However, we note that one of the social security numbers you have redacted belongs to the requestor. The requestor has a special right of access to his social security number under section 552.023 of the Government Code. *See Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request*

information concerning themselves). Thus, the requestor's social security number may not be withheld in this instance.

Next we address your argument against disclosure. Section 552.134 of the Government Code relates to inmates of the Texas Department of Criminal Justice (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(a). Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part:

Notwithstanding Section 508.313 or 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:

(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.

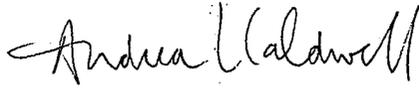
*Id.* § 552.029(8). Upon review of the submitted documents, we agree they include information about an individual confined as an inmate in a facility operated by the department. We note, however, that the information at issue pertains to an incident involving the use of force. Basic information regarding a use of force is subject to required disclosure pursuant to section 552.029. Basic information includes, among other things, names of inmates directly involved in the incident. Therefore, the inmate's identifying information is subject to release under section 552.029(8) and may not be withheld under section 552.134. As you raise no further exceptions against disclosure, the submitted information must be released.

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, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Andrea L. Caldwell".

Andrea L. Caldwell  
Assistant Attorney General  
Open Records Division

ALC/eeg

Ref: ID# 360785

Enc. Submitted documents

c: Requestor  
(w/o enclosures)