



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 1, 2010

Mr. Erik Brown  
Assistant General Counsel  
TDCJ—Office of General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2010-01473

Dear Mr. Brown:

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# 369035.

The Texas Department of Criminal Justice (the “department”) received a request for all of the requestor’s “write ups” during a specified time period. You state you will release some of the requested information to the requestor. You claim that the submitted information is excepted from disclosure under sections 552.108 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You seek to withhold the submitted security checklist under section 552.108 of the Government Code. Section 552.108(b)(1) excepts from disclosure an internal record of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution if “release of the internal record or notation would interfere with law enforcement or prosecution.” Gov’t Code § 552.108(b)(1). Generally, a governmental body claiming section 552.108(b)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). This office has on numerous occasions concluded that section 552.108 excepts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (holding that predecessor to section 552.108 excepts detailed guidelines regarding a police department’s use of force policy), 508 (1988)

(holding that release of dates of prison transfer could impair security), 413 (1984) (holding that predecessor to section 552.108 excepts sketch showing security measures for execution).

You state the submitted security checklist indicates the specific areas that are checked by prison staff at particular times during the day. You also contend this information, if released, could "help inmates in their future attempts to circumvent the security of the prison unit." Having reviewed your arguments and the submitted security checklist, we agree the release of the checklist would interfere with law enforcement or crime prevention. Accordingly, the department may withhold the submitted security checklist from disclosure under section 552.108(b)(1) of the Government Code.

Next, you assert the marked inmate-identifying information in the submitted disciplinary records is excepted under section 552.134 of the Government Code, which 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(a). The submitted information consists of employee disciplinary records, which include inmate-identifying information. We find the inmate's identity in the submitted disciplinary records is subject to section 552.134. We also find the exceptions in section 552.029 are not applicable in this instance. Accordingly, the department must withhold the inmate-identifying information we have marked under section 552.134 of the Government Code.

In summary, the department may withhold the submitted security checklist from disclosure under section 552.108(b)(1) of the Government Code. The department must withhold the inmate-identifying information we have marked under section 552.134 of the Government Code. The remaining 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 black ink, appearing to read "Tamara Wilcox". The signature is fluid and cursive, with a large initial "T" and "W".

Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/dls

Ref: ID# 369035

Enc. Submitted documents

c: Requestor  
(w/o enclosures)