



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 1, 2015

Mr. Steve Smeltzer
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2015-18313

Dear Mr. Smeltzer:

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# 577757.

The Texas Department of Criminal Justice (the "department") received a request for information related to lawsuits filed against the department within a specified period of time. You state you have released some information. You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have received comments from the requestor. *See Gov't Code* § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Section 552.134 of the Government Code 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.

(b) Subsection (a) does not apply to:

...

(2) information about an inmate sentenced to death.

Gov't Code § 552.134(a), (b)(2). You assert the submitted information consists of records pertaining to inmates confined in a facility operated by the department. However, the submitted information pertains to lawsuits filed against the department and is administrative information. Furthermore, we note one of the lawsuits pertains to an employment discrimination claim filed by a department employee. Such information does not constitute "information about an inmate" for purposes of section 552.134 and may not be withheld on that basis. Thus, the department may not withhold the submitted information in its entirety under section 552.134. However, the submitted information includes inmate-identifying information. We find this information is subject to section 552.134. We also find the exceptions in section 552.029 are not applicable to this information. Therefore, to the extent the information we have marked pertains to non-death row inmates, the department must withhold the information we have marked under section 552.134. However, to the extent the information we have marked pertains to death-row inmates, the department may not withhold this information on that basis.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/akg

Ref: ID# 577757

Enc. Submitted documents

c: Requestor
(w/o enclosures)