



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 28, 2015

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

OR2015-20289

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# 580944 (OIG Open Records 2015-00153).

The Texas Department of Criminal Justice (the "department") received a request for any and all records pertaining to a named inmate. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.117, 552.1175, 552.134, and 552.147 of the Government Code. We have considered the exceptions you claim.

Section 552.134 of the Government Code relates to inmates of the department and provides in relevant part as follows:

(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.

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

...

(2) information about an inmate sentenced to death.

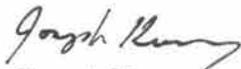
Gov't Code § 552.134(a), (b)(2). The submitted information concerns an incident involving the named inmate. While you inform us the named inmate is currently confined in a facility operated by the department and is sentenced to death, you explain the submitted information concerns the inmate when he was previously incarcerated with the department for non-capital offenses. Consequently, this information is about a department inmate, but it is not "information about an inmate sentenced to death." Because the submitted information was not created at a time when the inmate was sentenced to death and is not maintained in the inmate's death row file, we find that section 552.134(a) of the Government Code is applicable to the submitted information.

We note, however, the information pertains to an alleged crime involving the inmate. Basic information regarding these incidents is subject to required disclosure under section 552.029(8) of the Government Code and may not be withheld under section 552.134. *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. Therefore, with the exception of basic information, which must be released, the department must withhold the submitted information under section 552.134 of the Government Code.<sup>1</sup>

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](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,



Joseph Keeney  
Assistant Attorney General  
Open Records Division

JDK/dls

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<sup>1</sup>As our ruling is dispositive, we do not address your remaining arguments against disclosure.

Ref: ID# 580944

Enc. Submitted documents

c: Requestor  
(w/o enclosures)