



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 6, 2015

Mr. Steve Smeltzer  
Assistant General Counsel  
TDCJ - Office of the General Counsel  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2015-23416

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# 586416.

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to a named inmate's parole minutes. You state you will release some information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.134 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.134(a) of the Government Code relates to inmates of the department and provides in, relevant part, the following:

- (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

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<sup>1</sup>We note the department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.134 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You state the information you have marked constitutes information about an inmate confined in a facility operated by the department. You state section 552.029 of the Government Code does not apply to the information at issue. Upon review, we find the information you have marked is subject to section 552.134 of the Government Code and must be withheld on this basis. The department must release the remaining information.

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,



Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/dls

Ref: ID# 586416

Enc. Submitted documents

c: Requestor  
(w/o enclosures)