



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2016

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

OR2016-03829

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# 598978.

The Texas Department of Criminal Justice (the "department") received a request for the tape recording of a specified disciplinary hearing. You claim 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, we note that some of the submitted information is not responsive to the request at issue because it does not consist of the tape recording of the specified hearing. This ruling does not address the public availability of that information, and the department need not release any non-responsive information.¹

Section 552.134 of the Government Code relates to inmates of the department and provides, in part:

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

¹As our ruling is dispositive for this information, we need not address your argument against its disclosure.

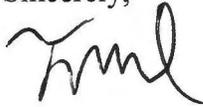
inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You assert the responsive information consists of records pertaining to an inmate confined in a facility operated by the department. Upon review, we agree the information is subject to section 552.134. We find the exceptions in section 552.029 are not applicable in this instance. Therefore, the department must withhold the responsive information under section 552.134 of the Government Code.

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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 598978

Enc. Submitted documents

c: Requestor
(w/o enclosures)