



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 26, 2016

Ms. Patricia Fleming
Assistant General Counsel
Office of the General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2016-19358

Dear Ms. Fleming:

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# 625730.

The Texas Department of Criminal Justice (the "department") received two requests for the execution protocols and information relating the drugs to be used in specified executions. You state you have released some information. You claim portions of the submitted information are excepted from disclosure under section 552.1081 of the Government Code. We have considered the exception you claim and reviewed the information you have submitted.

The 85th Legislature added section 552.1081 to the Act. Section 552.1081 states:

Information is excepted from the requirements of [the Act] if it contains identifying information under Article 43.14, Code of Criminal Procedure, including that of:

- (1) any person who participates in an execution procedure, including a person who uses, supplies, or administers a substance during the execution; and

(2) any person or entity that manufactures, transports, tests, procures, compounds, prescribes, dispenses, or provides a substance or supplies used in an execution.

Gov't Code § 552.1081. Article 43.14(b) of the Code of Criminal Procedure states the name, address, and other identifying information of certain persons or entities involved in execution procedures are confidential. Crim. Proc. Code art. 43.14(b). You state portions of the submitted information consist of the identifying information of the department's laboratory used for the testing of execution drugs. Upon review, we find the information we marked consists of the identifying information of an entity and person that participate in execution procedures or manufacture, transport, test, procure, compound, prescribe, or provide supplies or substances used in an execution. Thus, we find the department must withhold the information we have marked under section 552.1081. As you raise no arguments for the remaining information, it 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.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,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/bw

Ref: ID# 625730

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)