



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 24, 2017

Mr. Sharbel Sfeir
Assistant General Counsel
Office of the General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2017-06107

Dear Mr. Sfeir:

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# 650204.

The Texas Department of Criminal Justice (the "department") received a request for information relating to the "Parol Department's on-site compliance checks at the . . . home" of the requestor's client. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the present request because it does not relate to the specified compliance check information requested by the requestor. This ruling does not address the public availability of the non-responsive information, which we have marked, and the department need not release it in response to this request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 508.313(a) of the Government Code, which reads as follows:

- (a) All information obtained and maintained [by the department], including a victim protest letter or other correspondence, a victim impact statement, a

list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:

- (1) an inmate of the institutional division [of the department] subject to release on parole, release to mandatory supervision, or executive clemency;
- (2) a releasee; or
- (3) a person directly identified in any proposed plan of release for an inmate.

Id. § 508.313(a); *see id.* § 508.001(9) (“releasee” means a person released on parole or to mandatory supervision). You state the submitted information consists of a parole officer’s notations and entries arising directly out of the supervision of the requestor’s client while on parole that are subject to section 508.313 of the Government Code. You inform us the requestor is not authorized to obtain this information under subsection 508.313(c). *See id.* § 508.313(c). Further, you state the parole officer’s notations and entries are not authorized for release under chapter 62 of the Code of Criminal Procedure and are not subject to required public disclosure under section 552.029 of the Government Code. *See id.* § 508.313(e), (f). Based on your representations and our review, we find the department must withhold the submitted responsive information under section 552.101 of the Government Code in conjunction with section 508.313 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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Ref: ID# 650204

Enc. Submitted documents

c: Requestor
(w/o enclosures)