



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 27, 2017

Ms. Ana Viera Ayala
Assistant General Counsel & Public Information Coordinator
University of Texas System
210 West 7th Street
Austin, Texas 78701

OR2017-24532

Dear Ms. Ayala:

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# 681964 (OGC # 176777).

The University of Texas System (the "system") received a request for all autopsy reports for inmates who died in the custody of the Texas Department of Criminal Justice (the "department") at named facilities during a specified period of time. You state you will redact information pursuant to the previous determination issued in Open Records Letter No. 2016-13184A (2016).¹ You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. Additionally, you state, and provide documentation showing, you have notified the department of its right to submit comments to this office as to why the responsive information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.134 of the Government Code excepts from disclosure information relating to inmates of the department. Section 552.134 provides, in relevant part, as follows:

¹ Open Records Letter No. 2016-13184A is a previous determination authorizing the system and its institutions to withhold individuals' protected health information under section 181.006 of the Health and Safety Code.

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted from the requirements of Section 552.021 if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Id. § 552.134(a). You state, pursuant to the Correctional Managed Health Care Committee Contract, the university is responsible for coordinating autopsy services for deceased inmates on a statewide basis and maintains all of the completed autopsy reports for the department. Based on these representations and our review, we find the submitted information consists of information about inmates maintained by the university on behalf of the department. Therefore, the university must withhold the submitted 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,



Jahna Ward
Attorney
Open Records Division

JW/tdw

Ref: ID# 681964

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)