



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 19, 2017

Mr. Eric K. Miller
Assistant General Counsel
Office of General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2017-28787

Dear Mr. Miller:

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# 689015 (TDCJ # ZT0068).

The Texas Department of Criminal Justice (the "department") received a request for all information pertaining to two named individuals during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See Gov't Code § 552.304* (providing that interested party may submit written comments regarding why information should or should not be released).

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

¹The requestor asserts, and you acknowledge, the department did not comply with section 552.301 of the Government Code in requesting this decision. *See Gov't Code § 552.301(b), (e)*. Nevertheless, sections 552.101 and 552.134 of the Government Code can provide compelling reasons to overcome the presumption of openness. Thus, we will consider the applicability of these sections to the submitted information. *See id.* §§ 552.007, .302, .352.

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

Id. § 552.134(a). Upon review, we agree the submitted information constitutes information about an inmate, the requestor's client, for purposes of section 552.134. Although section 552.023 of the Government Code gives a person or the person's authorized representative a "special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests," we note section 552.134 does not protect only the inmate's privacy interest. *See id.* § 552.023(a). You state section 552.029 of the Government Code does not apply to the information at issue. Accordingly, the department must withhold the submitted information under section 552.134 of the Government Code.²

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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/sb

²As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

Ref: ID# 689015

Enc. Submitted documents

c: Requestor
(w/o enclosures)