



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 12, 2019

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

OR2019-04010

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# 750156 (ORR# ZT0186).

The Texas Department of Criminal Justice (the "department") received a request for information related to a named department employee. The department claims the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception the department claims and reviewed the submitted information.

Section 552.134 of the Government Code provides, in relevant part:

(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.

Gov't Code § 552.134(a). Section 552.134 is explicitly made subject to section 552.029, which provides in relevant part:

[n]otwithstanding . . . Section 552.134, the following information about an inmate who is confined in a facility operated by or under a contract with the [department] is subject to required disclosure under Section 552.021:

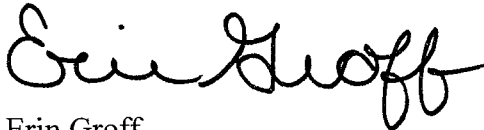
(8) basic information regarding the death of an inmate in custody, an incident involving the use of force, or an alleged crime involving the inmate.

*Id.* § 552.029(8). The submitted information consists of a use of force report. This report includes inmate-identifying information, which is generally excepted from disclosure under section 552.134. We note, however, the use of force report pertains to a use of force incident involving an inmate. Basic information regarding a use of force incident is subject to required disclosure under section 552.029(8) of the Government Code. Basic information includes, among other things, names of inmates directly involved in the incident. Therefore, the inmate's identifying information is subject to release under section 552.029(8) and may not be withheld under section 552.134. Furthermore, the remaining information pertains to disciplinary action against a corrections officer. This disciplinary information does not constitute information about an inmate for purposes of section 552.134, and may not be withheld on that basis. Consequently, the submitted information must be released in its entirety.

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](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,



Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/mo

Ref: ID# 750156

Enc. Submitted documents

c: Requestor  
(w/o enclosures)