



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 4, 2019

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

OR2019-05864

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# 753071 (OGC Nos. ZT0193 and ZT0194).

The Texas Department of Criminal Justice (the "department") received two requests from the same requestor for specified e-mails referring to either the requestor or the requestor's spouse. You claim the submitted information is excepted from disclosure under sections 552.108, 552.111 and 552.134 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments submitted by 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).

Initially, we address the requestor's contention that the department did not comply with the procedural requirements of the Act. Pursuant to section 552.301(d) of the Government Code, a governmental body must provide the requestor with (1) a written statement that the governmental body wishes to withhold the requested information and has asked for a decision from the attorney general, and (2) a copy of the governmental body's written communication to the attorney general within ten business days of receiving the request for information. *Id.* § 552.301(d). The requestor asserts she was not timely notified of the request for a ruling at issue as required by section 552.301(d) of the Government Code. The department states it received the requests for information on December 7, 2018. Thus, the ten-business-day deadline to provide information to the requestor pursuant to section 552.301(d) was December 21, 2018. The envelope in which the department submitted to this office the information required by section 552.301(b) is postmarked December 21, 2018.

The request for a ruling indicates the requestor was copied on that correspondence. *See id.* § 552.308(a) (prescribing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Consequently, we find the requestor has failed to establish the department did not comply with the procedural requirements mandated by section 552.301(d) of the Government Code. Accordingly, we will address the arguments of the department to withhold the information at issue.

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

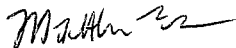
(a) Except as provided by Subsection (b) or by Section 552.029, information obtained or maintained by the [department] is excepted from the requirements of Section 552.021 if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

*Id.* § 552.134(a). You state the submitted information pertains to an inmate confined in a facility operated by the department. We understand the exceptions in section 552.029 are not applicable to the information at issue. Thus, we agree the information at issue is subject to section 552.134 of the Government Code. Therefore, the department must withhold the submitted information under section 552.134 of the Government Code.<sup>1</sup>

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,



Matthew Taylor  
Assistant Attorney General  
Open Records Division

MHT/mo

---

<sup>1</sup>As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.

Ref: ID# 753071

Enc. Submitted documents

c: Requestor  
(w/o enclosures)