



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 16, 2020

Mr. William P. Overton
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Austin, Texas 77342-4004

OR2020-16127

Dear Mr. Overton:

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# 834125 (OGC# RM0014).

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to specified correspondence involving a named inmate.¹ The department claims the submitted information is excepted from disclosure under sections 552.101 and 525.134 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

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

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.

Gov't Code § 552.134(a). The department asserts the submitted documents consist of information about an inmate confined in a facility operated by the department. Upon review, we agree the information is subject to section 552.134. The exceptions in section

¹ Regardless of whether the department failed to comply with section 552.301 of the Government Code in requesting a ruling, we note a mandatory exception constitutes a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.007, .301, .302. Accordingly, we will consider your arguments.

552.029 are not applicable. Therefore, 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Amy Shipp
Assistant Attorney General
Open Records Division

ALS/rm

Ref: ID# 834125

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² As our ruling is dispositive, we do not address the remaining argument to withhold this information.