



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 15, 2022

Mr. Eric Miller  
Deputy General Counsel  
Texas Department of Criminal Justice  
Post Office Box 4004  
Huntsville, Texas 77342-4004

OR2022-04462

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# 930743 (OGC# MW0162).

The Texas Department of Criminal Justice (the "department") received a request for certain information pertaining to the requestor's clients.<sup>1</sup> The department claims the submitted information is excepted from disclosure under sections 552.103, 552.111, and 552.134 of the Government Code. The department also states it notified the Texas Department of Public Safety; the Office of the Governor of Texas; the United States Immigration and Customs Enforcement; and Val Verde County of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released.<sup>2</sup> See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the claimed exceptions and reviewed the submitted representative sample of information.<sup>3</sup>

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<sup>1</sup> The department states, and provides documentation showing, it sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

<sup>2</sup> As of the date of this ruling, we have not received comments from any third party.

<sup>3</sup> 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.

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). Upon review, we agree the submitted information constitutes information about inmates for purposes of section 552.134. We understand section 552.029 of the Government Code does not apply 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>4</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 <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,

Katie Stallcup  
Assistant Attorney General  
Open Records Division

AKS/be

Ref: ID# 930743

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

4 Third Parties  
(w/o enclosures)

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<sup>4</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.