



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 4, 1998

Mr. Merril E. Nunn
City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR98-0589

Dear Mr. Nunn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113661.

The City of Amarillo (the "city") received an open records request from an individual incarcerated in a correctional facility. Section 552.028 of the Government Code provides as follows:

- (a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.
- (b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by the governmental body pertaining to that individual.
- (c) In this section, 'correctional facility' has the meaning assigned by Section 1.07(a), Penal Code.

The provisions of section 552.028 of the Government Code govern your request. Because the individual requesting the information at issue is "an individual who is

imprisoned or confined in a correctional facility," the Open Records Act gives the city the discretion to either "comply with" this open records request or deny it in its entirety.

Yours very truly,

Open Records Division

Ref.: ID# 113661

cc: Mr. David Matthew Layton
TDCJ #751249
Stiles Unit 7AC56T1
3060 FM 3514
Beaumont, Texas 77705