



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 17, 1998

Mr. Alan K. Sumrall
Assistant Criminal District Attorney
Polk County
P.O. Box 1717
Livingston, Texas 77351

OR98-0979

Dear Mr. Sumrall:

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# 115199.

The Polk County Criminal District Attorney (the "district attorney") 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 district attorney the discretion to either "comply with" this open records request or deny it in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref: ID# 115199

cc: Mr. Tony Wyatt Gunn
TDCJ ID# 797140 13-21
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Sugar Land, Texas 77478