



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 24, 1998

Ms. Pamela Wolek  
Assistant City Attorney  
City of Amarillo  
Legal Department  
P.O. Box 1971  
Amarillo, Texas 79105-1971

OR98-1744

Dear Ms. Wolek:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117051.

The City of Amarillo (the "city") received a request for documents relating to a shooting incident. You state that the city has been unable to locate any documents responsive to the request, but you also claim that the requested information is excepted from disclosure under section 552.028 of the Government Code. Since your letter to this office makes conflicting statements about whether there is in fact any information at issue, we will address your section 552.028 argument.

Section 552.028 of the Government Code provides that

(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 a governmental body pertaining to that individual.

(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.

*See* Act of June 1, 1997, H.B. 951, § 6, 75<sup>th</sup> Leg., R.S. (renumbering former section 552.027 as section 552.028 of the Government Code). Pursuant to section 552.028, the city is not required to comply with the pending request because the requestor is confined in a correctional facility.<sup>1</sup>

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/mjc

Ref: ID# 117051

cc: Mr. Terry Durley Lee  
Dolphe Brisco Unit  
Rt. 1, Box 4  
Dilley, Texas 78017

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<sup>1</sup>We note that discovery requests are not governed by the Open Records Act. *See* Gov't Code § 552.005.