



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 1, 2009

Mr. Steven M. Pena, Sr.
Attorney for City of Helotes
Davidson & Troilo
7550 West IH-10, Suite 800
San Antonio, Texas 78229-8515

OR2009-04201

Dear Mr. Pena:

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# 340407.

The City of Helotes (the "city"), which you represent, received a request for the request for proposals for the Texas Bank Depository Services. You assert that the department is not required to comply with the request pursuant to section 552.028 of the Government Code. We have considered your argument and reviewed the submitted information. Section 552.028 of the Government Code provides in part:

(a) A governmental body is not required to accept or comply with a request for information from:

- (1) an individual who is imprisoned or confined in a correctional facility; or
- (2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under [the Act].

(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You state that the present request was made by an individual who is confined in a correctional facility. *See id.* § 552.028(c) ("correctional facility" is a place for the confinement of a person arrested for, charged with, or convicted of a criminal offense). You assert that pursuant to section 552.028, the city is not required to accept or comply with this request. Based on your representations, we agree that section 552.028 is applicable in this instance and conclude that the city may decline to accept or comply with this request.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Travis Tidmore
Assistant Attorney General
Open Records Division

TT/rl

Ref: ID# 340407

Enc. Submitted documents

cc: Requestor
(w/o enclosures)