



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 28, 2009

Ms. Jessica Krizek
Civil Attorney and Assistant Criminal District Attorney
Smith County Criminal District Attorney's Office
100 North Broadway 4th Floor
Tyler, Texas 75702

OR2009-07295

Dear Ms. Krizek:

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# 349152.

Smith County Juvenile Services (the "county") received a request for the requestor's juvenile probation history. You contend that the requested information is not subject to disclosure under the Act. You also contend that the county is not required to accept or comply with this request for information pursuant to section 552.028 of the Government Code. We have considered your arguments and reviewed the information you submitted.

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].

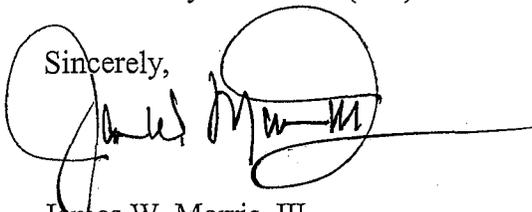
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You state that this request for information was made by an incarcerated individual. Based on your representation, we find that section 552.028 of the Government Code is applicable in this instance. We therefore conclude that the county may decline to accept or comply with this request for information pursuant to section 552.028. As we are able to make this determination, we need not address your other arguments against disclosure.

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,

A handwritten signature in black ink, appearing to read 'James W. Morris, III', is written over a circular stamp. The signature is fluid and cursive.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 349152

Enc: Submitted documents

c: Requestor
(w/o enclosures)