



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 6, 2011

Ms. Allyson Mitchell
Assistant Special Prosecutor
Special Prosecution Unit
P.O. Box 2024
Palestine, Texas 75802-2024

OR2011-12818

Dear Ms. Mitchell:

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# 428948.

The Special Prosecution Unit (the "unit") received a request for all information related to a specified offense. You contend the unit is not required to accept or comply with this request for information pursuant to section 552.028 of the Government Code. In the alternative, you claim the submitted information is excepted from disclosure pursuant to sections 552.101 and 552.103 of the Government Code. We have considered your arguments 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 the instant request for information was made by an individual who is currently an inmate of the Texas Department of Criminal Justice. Based on your representation, we find that section 552.028 of the Government Code is applicable in this instance. We, therefore, conclude the unit may decline to accept or comply with this request for information pursuant to section 552.028 of the Government Code.¹

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, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 428948

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our determination is dispositive, we need not address your remaining arguments against disclosure.