



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 22, 2014

Mr. G. Brian Garrison
Assistant District Attorney
Dallas County
133 North Riverfront Boulevard, LB-19
Dallas, Texas 75207

OR2014-01253

Dear Mr. Garrison:

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# 511854.

The Dallas County District Attorney's Office (the "district attorney's office") received a request for information pertaining to specified cases. You claim the district attorney's office is not required to comply with the request pursuant to section 552.028 of the Government Code. In the alternative, you claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments.

Section 552.028 of the Government Code provides, in relevant 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 assert the requestor is acting as an agent of the subject of the instant request, who is an incarcerated individual. You explain the requestor requested the information on behalf of the incarcerated individual and forwarded correspondence between the district attorney's office and the requestor regarding the instant request to the incarcerated individual. You, therefore, contend the requestor is acting as an agent of an incarcerated individual. Based on your representation that the requestor is a representative of an individual who is imprisoned or confined in a correctional facility, we conclude the district attorney's office need not accept or comply with the request for information pursuant 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 511854

c: Requestor

¹As our ruling is dispositive, we need not address your argument against disclosure of the requested information.