



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2014

Ms. Savannah Gonzalez
Assistant District Attorney
Hidalgo County Criminal District Attorney
100 North Closner Boulevard, Room 303
Edinburg, Texas 78539

OR2014-04655

Dear Ms. Gonzalez:

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# 519069 (2014-0006-DA).

The Hidalgo County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a named individual. You assert the sheriff's office need not comply with the request to release the requested information 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 state the requestor is an agent for, but not the attorney of, an inmate 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). Thus, we agree the sheriff's office need not comply with the request for information from the requestor.

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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/dls

Ref: ID# 519069

Enc. Submitted documents

c: Requestor
(w/o enclosures)