



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 24, 2014

Ms. Alida Fitzgerald
Haltom City Police Department
5110 Broadway Avenue
Haltom City, Texas 76117-3726

OR2014-06771

Dear Ms. Fitzgerald:

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# 522037.

The Haltom City Police Department (the "department") received a request for information pertaining to a specified incident. You assert the department need not comply with the request pursuant to section 552.028 of the Government Code, and, alternatively, the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered your claims and reviewed the submitted information.

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].

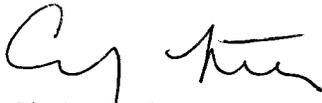
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Id. § 552.028(a)-(b). Thus, under section 552.028, a governmental body has discretion to release requested public information to an individual who is imprisoned or confined in a correctional facility or to such an individual's agent, unless the agent is the individual's attorney. *See id.* § 552.028(a)(2); *Hickman v. Moya*, 976 S.W.2d 360 (Tex. App.—Waco,1998). In this instance, you inform us the requestors are the parents of the arrestee, an incarcerated individual, and the requestors stated the request was being made on behalf of the arrestee. We note the requestors are not a law firm. You do not inform us either of the requestors is an attorney representing the named inmate. Based upon your representations and our review, we agree section 552.028 is applicable in this instance and conclude the department need not comply with the request for information.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 522037

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not address your remaining argument against disclosure.