



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 19, 2015

Ms. Josephine Ramirez-Solis  
Assistant District Attorney  
Hidalgo County Criminal District Attorney's Office  
100 North Closner, Room 303  
Edinburg, Texas 78539

OR2015-09671

Dear Ms. Ramirez-Solis:

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# 564018 (File No. 2015-0016-DA.SO).

The Hidalgo County Sheriff's Office (the "sheriff's office") received three requests from two different requestors for information relating to a specified case. The sheriff's office asserts it need not comply with the request to release the requested information pursuant to section 552.028 of the Government Code. In the alternative, the sheriff's office claims the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.111 of the Government Code. We have considered the exceptions the sheriff's office claims and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments from the first requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

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:

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(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). The sheriff's office states the requests relate to an inmate in a correctional institution. *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). The sheriff's office asserts, and the submitted requests for information show, the requestors made the present requests for information as agents of the inmate. There is no indication either of the requestors is the inmate's attorney. Upon review, we agree the requestors are acting as the agents of the inmate for purposes of section 552.028. Therefore, the sheriff's office need not comply with the requests for information from the requestor.<sup>2</sup>

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](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,



David L. Wheelus  
Assistant Attorney General  
Open Records Division

DLW/bhf

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<sup>2</sup>As our ruling is dispositive, we need not address the sheriff's office's arguments against disclosure.

Ref: ID# 564018

Enc. Submitted documents

c: Requestors  
(w/o enclosures)