



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 18, 2015

Ms. Patricia Fleming
Assistant General Counsel
Office of the General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2015-12158

Dear Ms. Fleming:

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# 567849.

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to a department employee for a specified time period. You claim the department is not required to comply with this request pursuant to section 552.028 of the Government Code. In the alternative, you claim some of the requested information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You assert the department need not comply with the request under section 552.028 of the Government Code. Section 552.028 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, and the submitted request for information shows, the requestor is acting as an agent of an inmate who is imprisoned or confined in a correctional facility. You further state the requestor is not acting as an attorney for the inmate. Upon review of your arguments and our review of the submitted documentation, we agree the requestor is acting as an agent of an inmate who is imprisoned or confined in a correctional facility. Consequently, the department need not accept or comply with the request for information pursuant to section 552.028. As we are able to make this determination, we need not address your argument against disclosure.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 567849

Enc. Submitted documents

c: Requestor
(w/o enclosures)