



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

November 12, 2015

Mr. Steve Smeltzer  
Assistant General Counsel  
Office of the General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2015-23778

Dear Mr. Smeltzer:

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# 587008.

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to an incident involving a named inmate. You argue pursuant to section 552.028 of the Government Code, the department need not comply with the request for information. In the alternative, you claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the submitted arguments 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.

Gov't Code § 552.028(a)-(b). As noted above, the individual named in the request is an inmate in a correctional facility. The requestor is the spouse of the named inmate, who filed a grievance pertaining to the specified incident. You argue, and the request for information indicates, the requestor stated the correctional facility at issue never responded to the named inmate's requests relating to the grievance and the named inmate "needs [the requested information] for the grievance." Thus, you contend the requestor is acting as an agent of the named inmate. Upon review, we agree the requestor is acting as the agent of the inmate for purposes of section 552.028. Therefore, the department need not comply with the request for information from the requestor.<sup>1</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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/som

Ref: ID# 587008

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we need not address your remaining argument.