



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 6, 2016

Ms. Stacy Spann
Assistant General Counsel
TDCJ - Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2016-12727

Dear Ms. Spann:

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# 613102.

The Texas Department of Criminal Justice (the "department") received a request for (1) the written case record for a specified incident regarding a specified individual, (2) a video tape of a hearing and associated paperwork, (3) any paperwork by a named individual, and (4) a copy of two specified video feeds. 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 also claim the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered your 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 this chapter.

(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. You state the individual named in the request is an individual who is 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). You assert the requestor made the present request for information as an agent of the inmate. The requestor states she is submitting her request on behalf of the inmate pursuant to a power of attorney granted by the inmate. You assert pursuant to section 552.028, the department is not required to accept or comply with this request. Based on your representations, we agree the requestor is acting as the agent of the inmate for purposes of section 552.028. Therefore, we agree section 552.028 of the Government Code is applicable in this instance and conclude the department need not comply with this request.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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/dls

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 613102

Enc. Submitted documents

c: Requestor
(w/o enclosures)