



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 4, 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

OR2015-23130

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# 586092.

The Texas Department of Criminal Justice (the "department") received a request for all paperwork filed by a named attorney pertaining to 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].

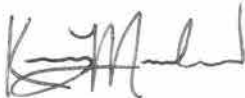
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). As noted above, the individual named in the request is an inmate in a correctional facility. The submitted information reveals the requestor is the wife of the named inmate. You explain, and the request for information demonstrates, the requestor is requesting information pursuant to a Power of Attorney granted by the named inmate. 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. As we are able to make this determination, we need not address the remaining argument against disclosure of the requested information.

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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 586092

Enc. Submitted documents

c: Requestor
(w/o enclosures)