



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 25, 2016

Mr. Gary W. Bunyard  
Assistant District Attorney  
33rd and 424th Judicial Districts Attorney's Office  
P.O. Box 725  
Llano, Texas 78643

OR2016-01748

Dear Mr. Bunyard:

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# 595229.

The Llano County Sheriff's Office (the "sheriff's office") received a request for all information relating to two specified cases. The sheriff's office argues, pursuant to section 552.028 of the Government Code, it need not comply with the request for information. In the alternative, the sheriff's office claims the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the arguments of the sheriff's office 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). The sheriff's office informs us the perpetrator in the cases at issue is an inmate in a correctional facility. The sheriff's office states the requestor "has filed pleadings purporting to be actions in habeas corpus" on behalf of the inmate at issue. The sheriff's office asserts the requestor is also requesting the information at issue on behalf of the inmate. Thus, the sheriff's office contends the requestor is acting as an agent of the inmate. We note the requestor is not the inmate's attorney. Upon review, we agree the requestor is acting as the agent of the inmate for purposes of section 552.028. Therefore, the sheriff's office 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 arguments 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](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

Ref: ID# 595229

Enc. Submitted documents

c: Requestor  
(w/o enclosures)