



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 12, 2016

Mr. Zachary Brown
Assistant General Counsel
TDCJ - Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2016-18264

Dear Mr. Brown:

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# 623722.

The Texas Department of Criminal Justice (the "department") received a request for information pertaining to a named department inmate. You state the department has released some of the requested information. 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 sections 552.101 and 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. You state the requestor is the mother of the named inmate, and you state she is not the attorney for the named inmate. Further, you argue the requestor opened an investigation with the department's Ombudsman's Office on behalf of the named inmate and now seeks information pertaining to the investigation. Thus, you argue the requestor is acting as an agent of the named inmate. Based on your representations and our 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.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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 623722

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not address your remaining arguments.