



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 8, 2016

Mr. Jorge L. Trevino, Jr.  
Assistant County Attorney  
Webb County Attorney's Office  
1110 Washington Street, Suite 301  
Laredo, Texas 78040

OR2016-24941

Dear Mr. Trevino:

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# 633489.

The Webb County Sheriff's Department (the "department") received a request for information pertaining to a specified incident. You argue pursuant to section 552.028 of the Government Code, the department is not required to comply with the request for information. We have considered your argument and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code §552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Section 552.028 of the Government Code provides, in part, the following:

(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.

(c) In this section, "correctional facility" means:

(1) a secure correctional facility, as defined by Section 1.07, Penal Code;

(2) a secure correctional facility and a secure detention facility, as defined by Section 51.02, Family Code; and

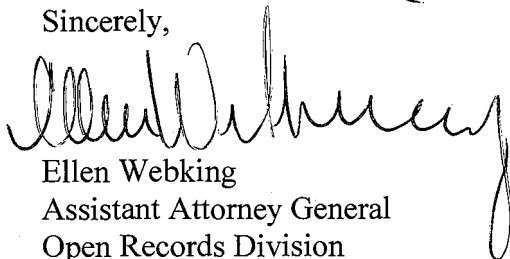
(3) a place designated by the law of this state, another state, or the federal government for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

*Id.* § 552.028(a)-(c). You state, and the submitted documentation demonstrates, the requestor is an incarcerated individual. Based on our review of the submitted documents, we agree the department need not accept or comply with the request for information pursuant to section 552.028 of the Government Code.

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,



Ellen Webking  
Assistant Attorney General  
Open Records Division

EW/bw

Ref: ID# 633489

Enc. Submitted documents

c: Requestor  
(w/o enclosures)