



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 8, 2017

Mr. Scott A. Durfee
Assistant General Counsel
Office of the District Attorney
County of Harris
1201 Franklin, Suite 600
Houston, Texas 77002-1901

OR2017-02820

Dear Mr. Durfee:

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# 644876.

The Harris County District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified case. You argue pursuant to section 552.028 of the Government Code, the district attorney's office is not required to comply with the request for information. In the alternative, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.108. We have considered your arguments and reviewed the submitted information.¹

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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.

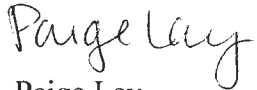
Id. § 552.028(a)-(c). You state, and the submitted documentation demonstrates, the requestor is an incarcerated individual. Based on your representation and our review, we agree the district attorney's office need not comply with the request for information pursuant to section 552.028 of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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,

A handwritten signature in cursive script that reads "Paige Lay".

Paige Lay
Assistant Attorney General
Open Records Division

PL/som

Ref: ID# 644876

Enc. Submitted documents

c: Requestor
(w/o enclosures)