



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 17, 2017

Ms. Sharen Wilson  
Criminal District Attorney  
Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196

OR2017-05590

Dear Ms. Wilson:

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# 649264.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for a copy of a specified case file. 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 section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 the requestor is the mother of the perpetrator in the requested case file, who is imprisoned in a correctional facility. Further, you assert, and provide documentation showing, the requestor is seeking the requested information on behalf of her son. Based on your representation and our review, we find the requestor is acting as the agent of an imprisoned individual. Accordingly, 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](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,



Emily Buchanan  
Assistant Attorney General  
Open Records Division

EB/nmd

Ref: ID# 649264

Enc. Submitted documents

c: Requestor  
(w/o enclosures)