



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 8, 2017

Ms. Myra K. Morris
Counsel for Jim Wells County Sheriff's Office
Royston, Rayzor, Vickery & Williams, LLP
802 North Carancahua Street, Suite 1300
Corpus Christi, Texas 78401

OR2017-09861

Dear Ms. Morris

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# 658561 (File No. 46769).

The Jim Wells County Sheriff's Office (the "sheriff's office") received one request from two requestors for the video and audio recordings pertaining to the jail cell of a named inmate. You argue the sheriff's office need not comply with the request for information pursuant to section 552.028 of the Government Code. In the alternative, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your arguments 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.

Gov't Code § 552.028(a)-(c). You state the requestors are the parents of the named inmate who is imprisoned or confined in a correctional facility. Further, you assert, and the instant request for information demonstrates, the requestors are seeking the requested information on behalf of their son. Based on your representation and our review, we find the requestors are acting as the agents of an imprisoned individual. Accordingly, we agree the sheriff'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,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/tdw

Ref: ID# 658561

Enc. Submitted documents

c: Requestor
(w/o enclosures)