



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 7, 2017

Ms. Meagan T. Scott
Assistant General Counsel
Harris County District Attorney's Office
1201 Franklin, Suite 600
Houston, Texas 77002-1901

OR2017-12517

Dear Ms. Scott:

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# 660950.

The Harris County District Attorney's Office (the "district attorney's office") received a request for the police report and dismissal order for 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, 552.108, and 552.130 of the Government Code. We have considered your 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). You state, and the submitted documentation demonstrates, this request is made on behalf of an incarcerated individual. Thus, you contend the requestor is acting as an agent of the incarcerated individual. Based on your representations, the submitted documentation, and our review, we agree the requestor is acting as an agent of an individual who is imprisoned or confined in a correctional facility. Accordingly, the district attorney's office need not accept or comply with the request for information pursuant to section 552.028 of the Government Code. As we are able to make this determination, we need not address your 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,



D. Michelle Case
Attorney
Open Records Division

DMC/nmd

Ref: ID# 660950

Enc. Submitted documents

c: Requestor
(w/o enclosures)