



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 25, 2017

Mr. William Schultz  
Assistant District Attorney  
Denton County  
1450 East McKinney, Suite 3100  
Denton, Texas 76209

OR2017-19460

Dear Mr. Schultz:

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# 673111 (PIR #17-097).

The Denton County Criminal District Attorney's Office (the "district attorney's office") received a request for all records pertaining to a named inmate. 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, 552.130, 552.1325, and 552.147 of the Government Code. We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered the requestor's comments. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

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

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<sup>1</sup>We 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.

(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.

*Id.* § 552.028(a)-(b). You represent, and the requestor's comments demonstrate, the instant 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 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,



Cole Hutchison  
Assistant Attorney General  
Open Records Division

CH/bw

Ref: ID# 673111

Enc. Submitted documents

c: Requestor  
(w/o enclosures)