



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 11, 2019

Ms. Brandy Kidwell
Manager
Records Division
North Richland Hills Police Department
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR2019-09816

Dear Ms. Kidwell:

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# 767406 (ORL 19-321).

The North Richland Hills Police Department (the "department") received a request for information pertaining to two specified cases. You argue, pursuant to section 552.028 of the Government Code, the department need not comply with the request for information. We have considered your argument 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 this chapter.

(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. You state, and the request for information demonstrates, the requestor is currently incarcerated in Green Bay County jail. *Id.* § 552.028(c) ("correctional facility" is place for confinement of a person arrested for or charged with criminal offense). Thus, because the requestor is an inmate imprisoned or confined in a correctional facility, pursuant to section 552.028 of the Government Code, the department may decline to accept or comply with the request for information.

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/sb

Ref: ID# 767406

Enc. Submitted documents

c: Requestor
(w/o enclosures)