



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 24, 2019

Mr. Sharbel Sfeir  
Assistant General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2019-13887

Dear Mr. Sfeir:

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# 767416 (ORR# PP0101).

The Texas Department of Criminal Justice (the "department") received a request for records related to a named offender. The department argues pursuant to section 552.028 of the Government Code, the department need not accept or comply with the request for information. In the alternative, the department claims the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code. We have considered the submitted 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.

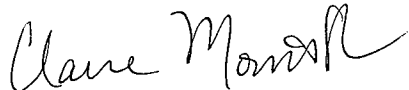
Gov't Code § 552.028(a)-(c). The department argues in requesting the information at issue, the requestor is acting as an agent of an incarcerated individual. The department states the requestor seeks the information on behalf of an individual who was imprisoned or confined in a correctional facility at the time the department received the request for information. We understand the requestor is not an attorney. The department explains the requestor seeks to have copies of the requested information sent to the individual at issue at his address in jail. Based on these representations and our review of the submitted documentation, we agree in making the request, the requestor is acting as an agent of an individual who is imprisoned or confined in a correctional facility. Accordingly, pursuant to section 552.028 of the Government Code, the department need not accept or comply with the request for information. As we are able to make this determination, we need not address the department's remaining arguments against disclosure of the submitted 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](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,

A handwritten signature in cursive script that reads "Claire V. Morris Sloan".

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/gw

Ref: ID# 767416

Enc. Submitted documents

c: Requestor  
(w/o enclosures)