



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 4, 2019

Mr. William Overton
Assistant General Counsel
Office of the General Counsel
Texas Department of Criminal Justice
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2019-31036

Dear Mr. Overton:

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# 794977 (OGC# JN0003).

The Texas Department of Criminal Justice (the "department") received a request for information submitted to the department by a named inmate during a specified time period. You argue, pursuant to section 552.028 of the Government Code, the department need not comply with the request for information. Alternatively, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.134 of the Government Code.¹ 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].

¹ We note the department failed to comply with section 552.301 of the Government Code in requesting this decision. See Gov't Code § 552.301(b), (e). Nevertheless, as sections 552.101 and 552.134 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider whether these exceptions apply to the submitted information. See *id.* §§ 552.007, .302, .352.

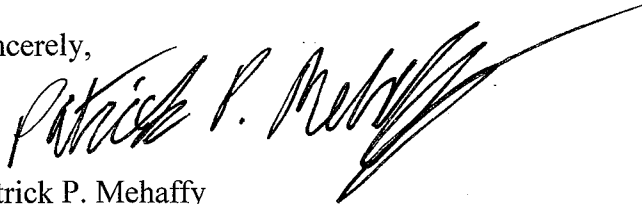
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You assert the requestor is acting on behalf of her son, the named inmate, who is confined in a correctional facility. The requestor indicates she seeks the information in order to give it to the named inmate. Upon review, we agree in this instance, the requestor is acting as the inmate's agent for purposes of section 552.028. Therefore, the department need not comply with the request for information from the requestor.²

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Patrick P. Mehaffy
Assistant Attorney General
Open Records Division

PPM/gw

Ref: ID# 794977

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your remaining arguments against disclosure of this information