



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 18, 2019

Mr. Paul E. Fulbright
Assistant District Attorney
Navarro County
300 West Third Avenue, Suite 301
Corsicana, Texas 75110

OR2019-32417

Dear Mr. Fulbright:

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# 797217.

The Navarro County Criminal District Attorney's Office (the "district attorney's office") received a request for a specified complaint, probable cause affidavit, and blood draw results. You argue, pursuant to section 552.028 of the Government Code, the district attorney's office need not comply with the request for information. Alternatively, you claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered your arguments.

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].

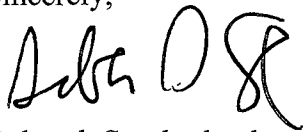
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You state the named individual at issue is an inmate confined in the Navarro County Jail. The submitted request indicates that the requestor is seeking the information at issue on the inmate's behalf. There is no indication the requestor is a licensed attorney representing the incarcerated individual. *See id.* § 552.028(a)(2). Upon review, we agree the requestor is acting as the agent of the incarcerated individual for purposes of section 552.028. Therefore, the district attorney's office need not comply with this request for information.¹

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,



Deborah Southerland
Attorney
Open Records Division

DS/gw

Ref: ID# 797217

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As we are able to make this determination, we need not address your remaining argument against disclosure of this information.