



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 12, 2019

Mr. Nicholas Morrell
Assistant General Counsel
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342

OR2019-35195

Dear Mr. Morrell:

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# 801271 (OGC#JN0008).

The Texas Department of Criminal Justice (the "department") received a request for five categories of information pertaining to a named inmate and a specified jail unit during particular periods of time. 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 552.103 and 552.134 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹

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

¹ We assume that 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.

(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 inform us the individual named in the request is an inmate in a correctional facility. You state the requestor is the brother of the named inmate. You explain, and the request for information demonstrates, the requestor is requesting information as the next of kin for the named inmate. Thus, you contend the requestor is acting as an agent of the named inmate. Upon review, we agree the requestor is acting as the agent of the inmate for purposes of section 552.028. Therefore, the department need not comply with the request for information from the requestor. As we are able to make this determination, we need not address the remaining arguments against disclosure of the requested 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 <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,



Erin Groff
Assistant Attorney General
Open Records Division

EMG/mo

Ref: ID# 801271

Enc. Submitted documents

c: Requestor
(w/o enclosures)