



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2020

Mr. Matthew Entsminger
Assistant County Attorney
Travis County District Attorney's Office
P.O. Box 1748
Austin, Texas 78767

OR2020-08177

Dear Mr. Entsminger:

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# 816679.

The Travis County District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified cause number.¹ You argue, pursuant to section 552.028 of the Government Code, the district attorney's office need not comply with the request for information. We have considered your argument and reviewed the submitted representative sample of information.²

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 The district attorney's office received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

² 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 argue the request relates to information requested by an individual who is imprisoned or confined in a correctional facility, or an agent of that individual. You state the requestor, in this instance, informed the district attorney's office that she received a waiver from the named inmate in regards to his privacy rights and she intends to make the requested records available to 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 district attorney's need not comply with the request for information from the requestor.

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,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/rm

Ref: ID# 816679

Enc. Submitted documents

c: Requestor
(w/o enclosures)