



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

April 14, 2020

Ms. Katherine Tanner  
Assistant General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2020-10846

Dear Ms. Tanner:

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# 822845 (OGC# PP0197).

The Texas Department of Criminal Justice (the "department") received a request for use of force reports related to a specified incident. You claim the department is either not required to respond to the request for information pursuant to section 552.028 of the Government Code or the submitted information is excepted from disclosure under sections 552.103, 552.108, and 552.134 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Section 552.028(a) of the Government Code provides 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].

Gov't Code § 552.028(a), (c). You state the requestor is an agent of an incarcerated individual. *See id.* § 552.028(c). Based on these representations and our review, we accept

your determination that the requestor is acting as an agent of the named inmate. Therefore, the department may decline to accept or comply with the request for information pursuant to section 552.028 of the Government Code.<sup>1</sup>

Next, you ask this office to issue a previous determination permitting the department to withhold certain types of information under section 552.134 of the Government Code without requesting a ruling from this office. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). However, we decline to do so at this time. Accordingly, this letter ruling is limited to the particular records 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 records 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  
Assistant Attorney General  
Open Records Division

DS/rm

Ref: ID# 822845

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup> As our ruling is dispositive, we need not address your arguments against disclosure of this information.