



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 10, 2020

Mr. Mark C Kratovil
Assistant District Attorney
Tarrant County
401 West Belknap, 9th Floor
Fort Worth, Texas 76196

OR2020-17253

Dear Mr. Kratovil:

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# 838535.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for records pertaining to a specified incident. 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.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
- (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 assume 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 those records contain substantially different types of information than that submitted to this office.

(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, and provide documentation supporting, that the requestor is currently incarcerated in a Texas Department of Criminal Justice correctional facility. *Id.* § 552.028(c) ("correctional facility" is place for confinement of a person arrested for or charged with criminal offense). Thus, because the requestor is an inmate imprisoned or confined in a correctional facility, pursuant to section 552.028 of the Government Code, the district attorney's office may decline to accept or comply with the request for 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,

Melanie Villars
Assistant Attorney General
Open Records Division

MJV/gw

Ref: ID# 838535

Enc. Submitted documents

c: Requestor
(w/o enclosures)