



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 28, 2020

Mr. Mark Kratovil  
Assistant Criminal District Attorney  
Tarrant County  
401 West Belknap Street, 9th Floor  
Fort Worth, Texas 76196-0201

OR2020-24270

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# 850570.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for information pertaining to a named individual. 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 some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.028 of the Government Code provides, in relevant part, as follows:

(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

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<sup>1</sup> 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 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 state, and provide documentation supporting, 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, the district attorney's office may decline to accept or comply with this request for information pursuant to section 552.028 of the Government Code.<sup>2</sup>

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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/jm

Ref: ID# 850570

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup> As we are able to make this determination, we need not address your argument against disclosure of the submitted information.