



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 14, 2022

Ms. Allison Edwards
Counsel for the Management & Training Corporation
Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.
909 Fannin Street, Suite 3300
Houston, Texas 77010

OR2022-07529

Dear Ms. Edwards:

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# 936147.

The Management & Training Corporation (the "corporation"), which you represent, received a request for information pertaining to specified incidents involving a named inmate. You argue you need not comply with the request pursuant to section 552.028 of the Government Code. You also claim the submitted information is not subject to the Act pursuant to section 552.002(d) of the Government Code. You further claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code.¹ In addition, you state, and provide documentation demonstrating, you notified the Texas Civil Commitment Office (the "commitment office") of its right to submit comments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the commitment office. We have also received and considered comments from the requestor. *See id.* We have considered the submitted arguments and reviewed the submitted information.

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

¹ Although the corporation also raises sections 552.102, 552.110, and 552.1101 of the Government Code, the corporation makes no arguments to support these exceptions. Therefore, we assume the corporation has withdrawn its claim that these sections apply to the information at issue. *See Gov't Code* §§ 552.301, .302.

(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].

(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.

Id. § 552.028(a)-(b). The corporation and the commitment office state the requestor is seeking the information at issue on behalf of the named inmate, who is currently confined in a correctional facility as defined by section 552.028(c). *See id.* § 552.028(c). Additionally, the corporation states the requestor indicates she seeks the information pursuant to a power of attorney granted by the named inmate. Thus, the corporation and commitment office assert the requestor is acting as an agent of the named inmate. Based upon these representations and our review, we agree the requestor is acting as an agent of the named inmate for purposes of section 552.028. Accordingly, the corporation need not comply with the request for information pursuant to section 552.028 of the Government Code.²

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/jxd

² As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.

Ref: ID# 936147

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)