



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 19, 2022

Mr. Stanton Strickland
Counsel for the Texas Title Insurance Guarantee Association
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.
500 West 5th Street, Suite 1150
Austin, Texas 78701

OR2022-11362

Dear Mr. Strickland:

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# 939987 (ORR# ZC01.30.2022).

The Texas Title Insurance Guarantee Association (the "TTIGA"), which you represent, received a request for the total dollar amount of Guarantee Fees collected during a particular timeframe. You claim pursuant to section 552.028 of the Government Code, the TTIGA need not comply with the request for information. We have considered the submitted argument.

Section 552.028 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].

(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.

(c) In this section, “correctional facility” means:

- (1) a secure correctional facility, as defined by Section 1.07, Penal Code;
- (2) a secure correctional facility and a secure detention facility, as defined by Section 51.02, Family Code; and
- (3) a place designated by the law of this state, another state, or the federal government for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

Gov’t Code § 552.028. You state the requestor is seeking the information on behalf of an individual who is currently confined in a correctional facility as defined by section 552.028(c). *See id.* § 552.028(c). Additionally, we note the requestor states he is seeking the information on behalf of the inmate, pursuant to a power of attorney granted by the inmate. Based on these representations and our review, we agree the requestor is acting as the agent of an inmate for purposes of section 552.028. Accordingly, the TTIGA need not comply with the request for information pursuant to section 552.028 of the Government Code.

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,

Chase D. Young
Assistant Attorney General
Open Records Division

CDY/jm

Ref: ID# 939987

Enc. Submitted documents

c: Requestor
(w/o enclosures)