



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 5, 2022

Ms. Hannah Bell  
Assistant Criminal District Attorney  
Tarrant County Criminal District Attorney's Office  
401 West Belknap  
Fort Worth, Texas 76196

OR2022-23359

Dear Ms. Bell:

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# 965590.

The Tarrant County Medical Examiner's Office (the "medical examiner's office") received five requests from the same requestor for information pertaining to a specified case. You argue, pursuant to section 552.028 of the Government Code, the medical examiner's office need not comply with the request for information. We have considered the submitted argument 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
- (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].

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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 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 the inmate at issue 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). You also state the requestor is an agent of the named incarcerated individual. *See id.* Based upon these representations and our review, we accept the determination of the medical examiner's office that the requestor is acting as an agent of the incarcerated individual. Therefore, the medical examiner's office may decline to accept or 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,

D. Michelle Case  
Assistant Attorney General  
Open Records Division

DMH/mo

Ref: ID# 965590

Enc. Submitted documents

c: Requestor  
(w/o enclosures)