



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 7, 2022

Ms. Holly Voth  
Assistant City Attorney  
City of San Angelo  
72 West College Avenue  
San Angelo, Texas 76903

OR2022-30874

Dear Ms. Voth:

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# 977002 (ORR# R004047).

The City of San Angelo (the "city") received a request for all records involving the requestor. The city argues pursuant to section 552.028 of the Government Code, the city need not accept or comply with the instant request for information. In the alternative, the city claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the city arguments and reviewed the submitted information.

Section 552.028 of the Government Code provides in part 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(a)-(c). The city informs us, and provides documentation demonstrating, the requestor is an incarcerated individual. Based on the city’s representation and our review of the submitted documents, we agree pursuant to section 552.028 of the Government Code, the city need not accept or comply with the request for information. As we are able to make this determination, we need not address the city’s remaining argument against disclosure of the submitted 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,

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/eb

Ref: ID# 977002

Enc. Submitted documents

c: Requestor  
(w/o enclosures)