



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 10, 2022

Ms. Samantha Johnson  
Assistant County & District Attorney  
Ellis County  
109 South Jackson  
Waxahachie, Texas 75165

OR2022-35150

Dear Ms. Johnson:

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# 984224.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for certain information pertaining to a named inmate. The sheriff's office argues, pursuant to section 552.028 of the Government Code, it need not comply with the request for information. The sheriff's office also claims the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

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

(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.

Gov't Code § 552.028(a)-(b). The sheriff's office states 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 she is seeking the information on behalf of the inmate. Thus, because the requestor seeks the information on behalf of an inmate imprisoned or confined in a correctional facility, the sheriff's office may decline to accept or comply with this request for information pursuant to section 552.028 of the Government Code. As we are able to make this determination, we need not address the remaining arguments 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,

Alexandra C. Burks  
Assistant Attorney General  
Open Records Division

ACB/jxd

Ref: ID# 984224

Enc. Submitted documents

c: Requestor  
(w/o enclosures)