



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 18, 2022

Mr. Robert J. Davis  
Counsel for the Collin County Sheriff's Office  
Matthews, Shiels, Knott, Eden, Davis & Beanland, L.L.P.  
8131 Lyndon B. Johnson , Suite 700  
Dallas, Texas 75251

OR2022-36042

Dear Mr. Davis:

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# 985585 (File# 7770/72481).

The Collin County Sheriff's Office (the "sheriff's office"), which you represent, received a request for medical records of a named inmate. You argue pursuant to section 552.028 of the Government Code, the sheriff's office is not required to comply with this request. You also claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

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, you explain, and the request for information demonstrates, the requestor is seeking the information on behalf of the inmate pursuant to a power of attorney granted by the inmate. Thus, you contend the requestor is acting as an agent of the named inmate. Upon review, we agree the requestor is acting as the agent of the inmate for purposes of section 552.028. Therefore, the sheriff's office need not comply with the request for information from the requestor. As we are able to make this determination, we need not address the remaining arguments against disclosure of the requested 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,

Kelly McWethy  
Assistant Attorney General  
Open Records Division

KM/mo

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)