



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 26, 1996

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR96-0609

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38563.

The City of Austin Police Department (the "department") received an open records request from an individual acting under a Power of Attorney granted to her by an inmate incarcerated in a correctional facility. The request, although signed by the requestor, specifically states: "Now comes, Antonio Cipriano #448286 (currently incarcerated at the Stiles Unit in Beaumont, Texas), and files this motion for records. . . ." You raise no exceptions to required public disclosure but ask whether the request may be denied pursuant to section 552.027 of the Government Code.

Section 552.027 was added by Act of May 18, 1995, 74th Leg., R.S., ch. 302, § 1, 1995 Tex. Sess. Law Serv. 2670. Section 552.027(a) provides:

A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

As the individual requesting the information at issue is acting on behalf of "an individual who is imprisoned or confined in a correctional facility," the request is subject to section 552.027 of the Government Code. Thus, section 552.027 gives you the discretion to either "comply with" this open records request or deny it in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 38563

Enclosures: Submitted documents

cc: Ms. Irene Cipriano
5205 Lamppost Lane
Corpus Christi, Texas 78415
(w/o enclosures)