



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 3, 1996

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR96-0658

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39834.

The City of Garland Police Department (the "department") received an open records request from an individual incarcerated in a correctional facility. You ask whether the request may be denied pursuant to section 552.027 of the Government Code and, in addition, contend that section 552.108 of the Government Code excepts the requested information from required public disclosure.

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 provides:

(a) 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.

(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by the governmental body pertaining to that individual.

(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.

Section 1.07(a) of the Penal Code provides:

(14) "Correctional facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:

(A) a municipal or *county jail*. [Emphasis added.]

The requestor is an inmate of the Dallas County Jail. As the individual requesting the information at issue is "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.¹

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,



Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39834

Enclosures: Submitted documents

cc: Mr. Michael Duane Lee, #96012625
Dallas County Jail
500 Commerce Street
Dallas, Texas 75202
(w/o enclosures)

¹As we resolve this matter under section 552.027, we do not address your claim for withholding the information under section 552.108.