



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 21, 1996

Mr. José R. Rodríguez
County Attorney
El Paso County
County Courthouse
500 E. San Antonio, Room 203
El Paso, Texas 79901

OR96-1516

Dear Mr. Rodríguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35025.

The El Paso County Elections Administration (the "county") received a request for a "copy of voter registration listing and/or voter registrar application" for specifically named individuals from the mother of an individual incarcerated in a correctional facility. You have submitted a copy of a blank voter registration application for our review as well as other documents pertaining to the requestor. You contend that the county need not respond to this request pursuant to section 552.027 of the Gov't Code. You also assert that the requested information is excepted from public disclosure based on sections 552.101, 552.027, 552.117 and 552.024 of the Government Code.

By raising the section 552.027, you suggest that the county attorney may ignore or otherwise refuse to comply with the request. Section 552.027 provides the following:

(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.¹

Gov't Code § 552.027 (as added by Acts 1995, 74th Leg., ch. 302, § 1) (footnote added). You suggest that, because the requestor is asking on behalf of a person who is incarcerated, the requestor is acting as the inmate's *agent* and that, therefore, the department may decline to comply with the request. We agree with your construction.

We conclude that section 552.027 of the Government Code, which permits a governmental body to decline to accept or comply with a request for information that is submitted by an individual who is imprisoned or confined in a correctional facility, also permits a governmental body to decline to accept or comply with a request that is submitted by that person's agent. Consequently, we need not address the remaining exceptions you have raised.

Accordingly, 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 may not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

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¹Section 1.07(A)(14) of the Penal Code provides:

"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;
- (B) a confinement facility operated by the Texas Department of Criminal Justice;
- (C) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice; and
- (D) a community corrections facility operated by a community supervision and corrections department.

Ref.: ID# 35025

cc: Mrs. Mary F. Rugg
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