



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1996

Ms. Marva M. Gay
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-2472

Dear Ms. Gay:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103819.

The Harris County Medical Examiner (the "county") received an open records request from an inmate for all scene and morgue photographs in a certain autopsy report. You contend that you are not required to comply with a request for information from an incarcerated individual in accordance with section 552.027 of the Government Code. You further claim that the information is excepted from disclosure based on section 552.101 of the Government Code. We have considered your assertions and reviewed the submitted information.

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.

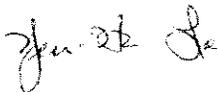
(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.¹

Gov't Code § 552.027 (footnote added).

The requestor is an inmate of a correctional facility in Beeville, Texas. 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.²

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 other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

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:

- (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.

²As we resolve this matter under section 552.027, we do not address your claim for withholding the information based on privacy concerns under section 552.101. However, we have enclosed an open records decision addressing the issue for your information. See Open Records Decision No. 272 (1981) (right of privacy is personal to an individual and lapses upon his death).

YHL/rho

Ref.: ID# 103819

Enclosures: Submitted documents
Open Records Decision No. 272

cc: Mr. Kenneth D. Lynch
TDCJ #739554
HC02 Box 985
Beeville, Texas 78102-9420
(w/o enclosures)

11-11-11

