



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 16, 1998

Mr. Merril E. Nunn
City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR98-0167

Dear Mr. Nunn:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112127.

The City of Amarillo (the "city") received a request for information from an incarcerated individual. You raise section 522.028 of the Government Code and assert that the city does not have to comply with this request for information. We agree.

Section 552.028 of the Government Code provides that

(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.

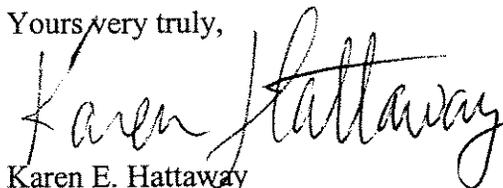
(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by a governmental body pertaining to that individual.

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

See Act of June 1, 1997, H.B. 951, § 6, 75th Leg., R.S. (renumbering former section 552.027 as section 552.028 of the Government Code). Pursuant to section 552.028, the city is not required to comply with the pending request because the requestor is incarcerated in an correctional facility.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 112127

cc: Mr. Herbert Feist
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