



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1998

Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR98-1263

Dear Mr. Gervais:

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# 115417.

The City of Galveston (the "city") received a request for information from an incarcerated individual. You contend that the city need not respond to this request. 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.

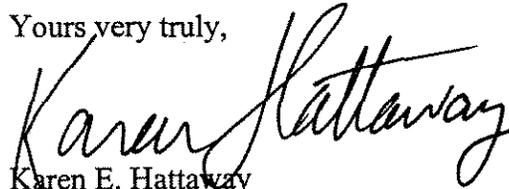
(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.

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 confined in a correctional facility.¹

¹We note that discovery requests are not governed by the Open Records Act. See Gov't Code § 552.005.

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#115417

cc: Mr. Gregory Jerome Day
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Huntsville, Texas 77340