



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 18, 1998

Mr. Jack E. Crump  
Executive Director  
Texas Commission on Jail Standards  
P.O. Box 12985  
Austin, Texas 78711

OR98-1963

Dear Mr. Crump:

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# 117571.

The Texas Commission On Jail Standards (the "commission") received a request for "the policies and procedures of the 'DCCC' and of Bobby Ross Group of Dickens" also known as the Dickens County Correctional Center, a private correctional facility on contract with an unnamed county. You claim that section 552.028 of the Government Code provides that the commission need not comply with this request for information. You also claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the applicability of section 552.028 of the Government Code as well as the exception you claim and reviewed the submitted information.

Section 552.028 of the Government Code provides as follows:

- (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.<sup>1</sup>

(Footnote added.) This provision permits governmental bodies to decline to accept or to comply with requests for information submitted by "an individual who is imprisoned or confined in a correctional facility," as that statute defines correctional facility. As you indicate the requestor is confined in a correctional facility, we conclude that section 552.028 allows the commission to decline to accept or to comply with the request.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/nc

Ref.: ID# 117571

Enclosures: Submitted documents

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<sup>1</sup>Section 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.

cc: Mr. Daniel Granillo  
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Spur, Texas 79370-9337  
(w/o enclosures)