



OFFICE *of the* ATTORNEY GENERAL  
GREG ABBOTT

October 17, 2003

Ms. Ashley D. Fourt  
Assistant District Attorney  
Tarrant County  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR2003-7434

Dear Ms. Fourt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 192063.

The Tarrant County Sheriff's Office (the "sheriff") received a request for copies of jail visitation records of an inmate of the Tarrant County jail. You claim that the requested information is excepted from disclosure pursuant to sections 552.101 of the Government Code. We have considered the exception you claim and have reviewed the submitted information.

You claim that the information you have submitted as Exhibit B is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with constitutional law. Section 552.101 excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *See* Gov't Code § 552.101. Section 552.101 encompasses information that is protected from disclosure by constitutional law. In Open Records Decision Nos. 428 (1985) and 430 (1985), this office concluded that inmate visitor and mail logs which identify inmates and those who choose to visit or correspond with inmates are protected under constitutional law. *See* Open Records Decision Nos. 430 at 6 (1985) (list of inmate's visitors protected by constitutional law), 428 (1985) (list of inmate's correspondents protected by constitutional law); *see also* Open Records Decision No. 185 (1978) (finding outside correspondents to have First Amendment right to correspond

with inmates that would be threatened if their names were released). Exhibit B consists of an inmate's visitor information. Accordingly, we conclude that the sheriff must withhold the information in Exhibit B pursuant to section 552.101 of the Government Code in conjunction with constitutional law.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/jh

Ref: ID# 192063

Enc. Marked documents

cc: Mr. Samuel B. Smith, Jr.  
Attorney at Law  
701 N. Riverside Drive  
Fort Worth, Texas 76111  
(w/o enclosures)