



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 28, 2009

Ms. Cecilia Gamez  
Crime Records Bureau  
McAllen Police Department  
P.O. Box 220  
McAllen, Texas 78501

OR2009-05594

Dear Ms. Gamez:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 341457.

The McAllen Police Department (the "department") received a request for a specified offense report. You claim that the department need not comply with the request pursuant to section 552.028 of the Government Code. We have considered your arguments and reviewed the submitted information.

You argue that the department is not required to comply with the request under section 552.028 of the Government Code. Section 552.028 of the Government Code provides:

(a) A governmental body is not required to accept or comply with a request for information from:

- (1) an individual who is imprisoned or confined in a correctional facility; or
- (2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under this chapter.

(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028. You state, and the requestor provides documentation showing, that the request is on behalf on an individual who is currently confined in a correctional institution. The requestor provides documentation showing that she is the sister of the incarcerated individual. In addition, the requestor submitted a Power of Attorney along with her request showing that she is acting as an agent of the incarcerated individual. Upon review, we agree that the requestor is acting as the agent of the incarcerated individual for purposes of section 552.028. Therefore, we conclude that the department need not comply with this request.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Tamara Wilcox

Assistant Attorney General  
Open Records Division

TW/eeg

Ref: ID# 341457

Enc. Submitted documents

c: Requestor  
(w/o enclosures)