



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 16, 2010

Ms. Rebecca A. Stewart
Assistant County Attorney
Henderson County
100 East Tyler Street
Athens, Texas 75751

OR2010-08796

Dear Ms. Stewart:

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# 382848.

The Henderson County District Clerk (the "clerk") received a request for the grand jury rosters pertaining to two specified cause numbers. You indicate the clerk need not comply with the request pursuant to section 552.028 of the Government Code. Alternatively, you claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments.

Section 552.028 of the Government Code provides in part:

(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(a)-(b). The request for information reflects, as does other documentation you have submitted, that the request was made by an incarcerated individual. Accordingly, we find that section 552.028 is applicable in this instance. We therefore conclude that the clerk need not comply with this request for information pursuant to section 552.028 of the Government Code.¹

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, 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, toll free, at (888) 672-6787.

Sincerely,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eeg

Ref: ID# 382848

cc: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we do not address your argument against disclosure.