



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2010

Mr. Robert Henneke
Kerr County Attorney
Kerr County Attorney's Office
County Courthouse, Suite BA-103
700 Main Street
Kerrville, Texas 78028

OR2010-12675

Dear Mr. Henneke:

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# 396068.

The Kerr County Sheriff's Department (the "sheriff") received a request for information pertaining to a named individual. You indicate the sheriff 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 and reviewed the submitted information.

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 the named individual at issue is an inmate confined in the Kerr County Jail. The submitted request indicates that the requestor is seeking the information at issue on the inmate's behalf. There is no indication the requestor is a licensed attorney representing the incarcerated individual. *See id.* § 552.028(a)(2). Upon review, we agree the requestor is acting as the agent of the incarcerated individual for purposes of section 552.028. Therefore, the sheriff need not comply with this request for information.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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/jb

Ref: ID# 396068

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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