



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 15, 2011

Mr. Gordon K. LeMaire
Assistant District Attorney
Cherokee County District Attorney's Office
P.O. Box 450
Rusk, Texas 75785

OR2011-03557

Dear Mr. LeMaire:

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# 411795.

The Cherokee County District Attorney's Office (the "district attorney") received a request for reports pertaining to a specified incident involving a named individual. You claim that the district attorney need not comply with the request pursuant to section 552.028 of the Government Code. We have considered your argument and reviewed the submitted information.

Section 552.028 of the Government Code provides in relevant 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 [the Act].

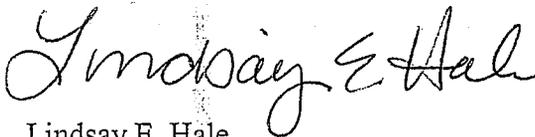
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You argue that the requestor made the present request for information as an agent of an inmate. We understand the suspect at issue in the submitted information is an inmate confined in a correctional facility. We further understand the requestor seeks this information in order to assist the inmate, due to the fact the inmate does not have an attorney. Based on your representations and upon our review, we agree that section 552.028 is applicable in this instance. We conclude the district attorney need not comply with this request for information pursuant to section 552.028 of the Government Code.

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/em

Ref: ID# 411795

Enc. Submitted documents

c: Requestor
(w/o enclosures)