



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

June 7, 2011

Mr. Patrick L. Flanigan  
36<sup>th</sup> District Attorney  
P.O. Box 1393  
Sinton, Texas 78387

OR2011-08085

Dear Mr. Flanigan:

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# 424979.

The 36<sup>th</sup> District Attorney's Office received a request for information relating to a specified criminal cause number. You contend your office is not required to comply with this request for information pursuant to section 552.028 of the Government Code. We have considered your representations. We also have considered the comments we received from the requestor. *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

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 [the Act].

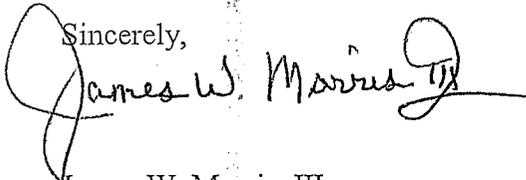
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

*Id.* § 552.028(a)-(b). You inform us the requestor is an inmate of the Texas Department of Criminal Justice. Based on your representations, we find section 552.028 is applicable in this instance. We therefore conclude your office may decline to 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](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,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/em

Ref: ID# 424979

Enc. Submitted documents

c: Requestor  
(w/o enclosures)