ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 7, 2012

Mr. Bruce P. Sadler
Assistant District Attorney
47th Judicial District
501 South Fillmore, Suite 5A
Amarillo, Texas 79101

OR2012-06658

Dear Mr. Sadler:

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# 456803.

The District Attorney's Office for the 47th Judicial District (the "district attorney's office") received a request for information related to case number 54,197-E. You contend the district attorney's office is not required to comply with this request pursuant to section 552.028 of the Government Code. We have considered your argument.

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 present request was made by an individual who is confined in a correctional facility. *See id.* § 552.028(c) ("correctional facility" is a place for the confinement of a person arrested for, charged with, or convicted of a criminal offense). You assert pursuant to section 552.028, the district attorney's office is not required to accept or comply with this request. Based on your representations, we agree section 552.028 is applicable in this instance and conclude the district attorney's office may decline to accept or 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, 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,

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 456803

No enclosure

c: Requestor