



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 22, 2012

Ms. M. Ann Montgomery-Moran
Assistant Ellis County & District Attorney
Ellis County & District Attorney's Office
109 South Jackson
Waxahachie, Texas 75165

OR2012-13294

Dear Ms. Montgomery-Moran:

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# 462697.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified cause number. You argue the sheriff's office need not comply with the request pursuant to section 552.028 of the Government Code. In the alternative, you claim the requested information is excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim 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 assert the requestor is requesting the information at issue on behalf of an inmate confined in a correctional facility, as defined by section 552.028(c). Based on your representation and our review of the submitted documents, we agree the requestor is acting as an agent of the inmate for purposes of section 552.028. Therefore, we conclude the sheriff's office need not comply with this request. As we able to make this determination, we need not address your arguments against disclosure of the submitted information.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/som

Ref: ID# 462697

Enc. Submitted documents

c: Requestor
(w/o enclosures)