



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 19, 2014

Ms. Holly C. Lytle
Assistant County Attorney
El Paso County Attorney's Office
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2014-16704

Dear Ms. Lytle:

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# 538490 (ORR# OP-14-346).

The El Paso County Sheriff's Office (the "sheriff's office") received a request for specified categories of information pertaining to a particular incident and a named inmate. The sheriff's office states it has released some of the requested information. The sheriff's office claims it is not required to comply with this request pursuant to section 552.028 of the Government Code or, alternatively, the information is excepted from release under sections 552.101, 552.102, 552.108, 552.1175, and 552.119 of the Government Code.¹ We have considered the submitted arguments and reviewed the submitted representative sample of information.²

Section 552.028 of the Government Code reads as follows:

¹The sheriff's office sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request).

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office. We also note section 552.024 of the Government Code is not an exception to disclosure.

(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.

(c) In this section, "correctional facility" means:

(1) a secure correctional facility, as defined by Section 1.07, Penal Code;

(2) a secure correctional facility and a secure detention facility, as defined by Section 51.02, Family Code; and

(3) a place designated by the law of this state, another state, or the federal government for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

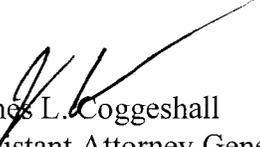
Gov't Code § 552.028. The submitted request for information arose from a previous request for information from the same requestor. The sheriff's office has submitted e-mail communications between the requestor and the sheriff's office regarding the original request, in which the requestor stated she was in communication with an inmate in a correctional facility and asked for the sheriff's office to provide the requested information at issue directly to that inmate. The sheriff's office asserts it is not required to respond to the current request for information because the requestor is acting as an agent of the incarcerated individual. Based on our review of the submitted documents and your representation that the requestor is an agent of an inmate, we conclude the sheriff's office may decline to accept or comply with the request for information pursuant to section 552.028 of the Government Code.³

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.

³As our ruling is dispositive, we do not address your arguments to withhold this information under the Act.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

Ref: ID# 538490

Enc. Submitted documents

c: Requestor
(w/o enclosures)