



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 16, 2014

Ms. Patricia Fleming  
Assistant General Counsel  
Office of the General Counsel  
Texas Department of Criminal Justice  
P.O. Box 4004  
Huntsville, Texas 77342-4004

OR2014-18653

Dear Ms. Fleming:

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# 539715.

The Texas Department of Criminal Justice (the "department") received two requests for (1) video surveillance used in the investigation of a specified use of force incident; (2) video and audio recordings of the "after" pertaining to the specified use of force incident; and (3) video and audio recordings of the medical examination of a named inmate following the specified use of force incident. You claim the department is not required to comply with this request pursuant to section 552.028 of the Government Code. Alternatively, you claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered your arguments and reviewed the submitted information.

Section 552.028 of the Government Code provides the following:

(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. You assert the requestors are acting as agents of an inmate who is imprisoned or confined in a correctional facility. You further state neither of the requestors is acting as an attorney for the inmate. Upon review of your arguments, we agree the requestors are acting as agents of an inmate who is imprisoned or confined in a correctional facility. Consequently, the department need not accept or comply with the request for information pursuant to section 552.028.<sup>1</sup>

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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

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<sup>1</sup>As our ruling is dispositive, we do not address your argument to withhold this information.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely

A handwritten signature in black ink, appearing to read "Brian Berger", written in a cursive style.

Brian E. Berger  
Assistant Attorney General  
Open Records Division

BB/ac

Ref: ID# 539715

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)