



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 11, 1990

Honorable Edie Rubalcaba
District Clerk, El Paso County
County Courthouse, Room 403
El Paso, Texas 79901

OR90-438

Dear Ms. Rubalcaba:

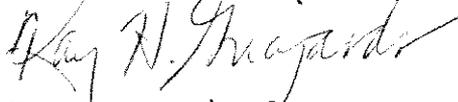
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9382.

You have received a request from a reporter for records in a case before the county court of law in El Paso county, Texas. Because the judge in that case sealed the records for a period of sixty days, you raise exception to the required public disclosure of this information based on section 3(a)(1) of the Open Records Act as "deemed confidential by . . . judicial decision" and section 3(a)(7) as prohibited from disclosure by court order.

The district clerk has custody of the records of the county court at law pursuant to section 51.303 of the Government Code. A county court at law is part of the judiciary. See article V, section 1 of the Texas Constitution. Therefore, the records in the custody of the district clerk are the records of the judiciary. The Open Records Act does not apply to records maintained by the judiciary. See section 2(1)(G) of the Open Records Act. Since the Open Records Act does not apply to the judiciary, the Open Records Act authorizes neither the release or withholding of the requested information. Open Records Decisions 25; 35 (1974). See generally Nixon v. Warner Communications, 98 S.Ct. 1306 (1978) (recognizing common law right to inspect and copy public records including judicial records and documents); Open Records Decision No. 25.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-438.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 9382

cc: Raul Hernandez, Reporter
El Paso Herald-Post
P.O. Box 20
El Paso, Texas 79999