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ATTORNEY GENERAL

Office of the Attorney General
State of Texas

April 9, 1991

Honorable Milton C. Gallagher
Justice of the Peace
Precinct 2, Ellis County
P. O. Box 68
Ennis, Texas 75120

OR91-166

Dear Judge Gallagher:

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# 11419.

A written request was made to you, in your capacity as justice of the peace, "for information on all moving traffic violations filed with your court," including the "date, name, address, city, state, and zip [code] for each moving [traffic] violation." The requestor also seeks to obtain this information "daily or weekly, whichever is most convenient for your office."

Section 2 of article 6252-17a defines "governmental body" and then provides, in section 2(1)(G):

[T]he Judiciary is not included within this definition.

Although the exception for the "judiciary" does not apply to a judge who is acting in a purely administrative, rather than a judicial capacity, *see, e.g., Benavides v. Lee*, 665 S.W.2d 151 (Tex.App.--San Antonio 1983, no writ), it is clear in the situation you pose that the requestor is asking for judicial records. In Open Records Decision No. 204 (1978), this office said that "information held by [a] county judge is subject to the Open Records Act *except to the extent it pertains to cases and proceedings before the county court.*" (Emphasis added.)

Although the particular records in question might be available to the requestor under some other legal theory, they are not a proper subject for a request under the Open Records Act. As a result, this office has no jurisdiction to resolve

the matter. Our decision is that because the request at issue is directed to a judicial officer for records of cases or proceedings before his court, it is not a proper subject for an open records ruling.

Because case law and prior published open records decisions resolve your request, 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 OR91-166.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/lcd

Ref.: ID# 11419, 11617, 11761

Enclosure: Open Records Decision No. 204 (1978)

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