



Office of the Attorney General
State of Texas

November 5, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. H. M. Flemming
Assistant City Attorney
City of El Paso
Office of the City Prosecutor
810 East Overland
El Paso, Texas 79901-2560

OR92-644

Dear Mr. Flemming:

As assistant city attorney for the City of El Paso, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 17764.

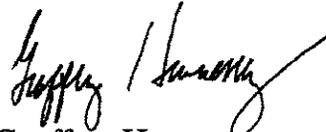
The El Paso Municipal Court received an open records request for access to copies of pending traffic citations filed in that court "for those individuals who have been granted approval to take a Defensive Driving Course." You inquire whether the Open Records Act requires the release of these records.

Open Records Act Section 2(1) defines the entities that constitute "[g]overnmental bod[ies]" under the act. Subsection 2(1)(H) provides that "the Judiciary is not included within this definition." Consequently, records of the judiciary do not fall within the ambit of the Open Records Act. *See e.g.*, Open Records Decision Nos. 274 (1981); 25 (1974) (records of judiciary not subject to the Open Records Act, but are subject to common law and statutory rights of inspection) (copies enclosed).

We conclude that the requested records are not subject to the Open Records Act; however, the requested records may be subject to statutory rights of inspection. *See Gov't Code* § 29.010; *Local Gov't Code* § 191.006. The authority of this office to render open records decisions is limited to determinations as to whether requested information held by governmental bodies falls within the section 3(a) exceptions from disclosure. We are not authorized by the act to instruct the court as to rights of access to its records. Consequently, we cannot further assist you in this matter.

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 OR92-644.

Yours very truly,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/RWP/lmm

Ref.: ID# 17764
ID# 17765

Enclosures: Open Records Decision Nos. 274 (1981), 25 (1974)

cc: Mr. Spencer H. Elliot
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