



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 26, 1996

Mr. Richard J. Ybarra  
Open Records Coordinator  
Office of the Attorney General  
General Counsel Division, Mail Code 018  
P.O. Box 12548  
Austin, Texas 78711-2548

OR96-0412

Dear Mr. Ybarra:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37809.

The Office of the Attorney General (the "OAG") received a request for "copies of all purchase and change orders from the Laredo Independent School District relating to \$17 million in construction projects completed by the district since 1992." The OAG asserts that the requested documents were obtained by the OAG pursuant to a grand jury subpoena and that the records are thus in the actual or constructive possession of the grand jury.

In Open Records Decision No. 513 (1988), this office concluded:

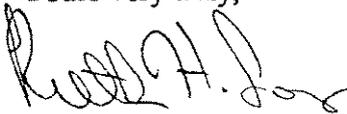
The Open Records Act does not apply to information within the actual or constructive possession of the grand jury. When an individual or entity acts at the direction of a grand jury as the grand jury's agent, information held or collected by the agent is within the grand jury's constructive possession.

The grand jury, as an extension of the judiciary, is not a "governmental body" subject to the provisions of chapter 552. See Gov't Code § 552.003(1)(B). Assuming that the OAG in fact is serving as the grand jury's agent in maintaining these records, the records are not

public information as defined in section 552.002(a). Thus, you need not honor the request for information.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 37809

cc: Ms. Sharon Simonson  
Staff Writer  
Laredo Morning News  
P.O. Box 2129  
Laredo, Texas 78044  
(w/o enclosures)

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<sup>1</sup>The requestor states that she originally asked the Laredo Independent School District for copies of these records, but was informed that school officials failed to make copies of the original documents before forwarding them to the grand jury. We note that if the records were or are maintained by the school district, they would be subject to chapter 552.