



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 8, 1996

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR96-0493

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. In response to your request for an open records decision, this office issued Open Records Letter No. 96-0389 (1996), which concluded that the requested information was presumed to be public and must be released. That ruling was issued in error. Accordingly, this office hereby withdraws Open Records Letter No. 96-0389 (1996) and substitutes this ruling in its stead.

The City of Austin Municipal Court (the "court") received an open records request seeking information in connection with a certain parking citation issued by the city. You contend the requested information constitutes records of the judiciary and thus need not be released. Section 552.003 of the Government Code defines the entities that constitute "governmental bodies" under the act. Subsection 552.003(1)(B) specifically excludes the judiciary from the terms of the act. Consequently, records of the court do not fall within the scope of the Open Records Act. *See, e.g.*, Open Records Decision Nos. 274 (1981), 25 (1974). The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Open Records Decision No. 25 (1974).

Although some of the requested records may be subject to common-law or statutory rights of inspection, we conclude that the requested records are not subject to

the Open Records Act.¹ Because 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 act's exceptions from required public disclosure, we are not authorized by the act to instruct the court as to the right of access to its records. Consequently, we cannot further assist you in this matter.

Yours very truly,



Sandra L. Coaxum, CPA
Chief, Open Records Division

SLC/RWP/rho

Ref.: ID# 38406

Enclosures: Submitted documents

cc: Mr. Dimitri Anastasiadis
10603 Ames Lane
Austin, Texas 78739
(w/o enclosures)

¹However, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993).