



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 26, 1996

Mr. José R. Rodriguez
County Attorney
County of El Paso
County Courthouse
500 E. San Antonio, Room 203
El Paso, Texas 79901

OR96-2244

Dear Mr. Rodriguez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36885.

The District and County Court at Law Judges of El Paso County received a request for a breakdown of certain docket information for each individual court. You claim that the requested information is excepted from disclosure under the Texas Open Records Act (the "Act") because members of the judiciary are not subject to the Act. You further claim that the judiciary does not have to disclose the information because the requested documents are judicial records which were created by the District and County Clerks at the behest of the Council of Judges. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.002 defines "public information" as information collected, assembled, or maintained by a governmental body. Gov't Code § 552.002. Section 552.003(1)(B) expressly provides that a governmental body does not include the judiciary. Gov't Code § 552.003(1)(B). Because the District and County Court at Law judges are members of the judiciary, they are exempt from the Act. Tex. Const. art. V, § 1; Open Records Decision No. 535 (1989). As for each court's internally prepared records relating to the docket information, these are judicial records which are also exempt from the Act. *Id.* (because the Court of Criminal Appeals is part of the judiciary, a contract between the Court and Westlaw is part of the judicial system and is, therefore, a judicial record that is exempt from the Act); Attorney General Opinion JM-446 (1986) (the Texas Supreme Court's list of phone calls is a judicial record and is, therefore, not within the purview of the Act). Likewise, because the District and County Clerks' docket information reports, created at the direction of the

Council of Judges, were created and maintained for judicial purposes, they too are not subject to the Act. *See* Open Records Decision No. 572 (1990) (bond reports created solely for judicial purposes are judicial records not subject to the Act). However, as you have indicated, this ruling does not preclude public access to the information; it merely concludes that access to the information is not governed by the Act. Disclosure is within the courts' discretion. Moreover, you have acknowledged that the statistical docket information is available to the public, but that requests should be directed to the District and County Clerks.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 36885

Enclosures: Submitted documents

cc: Ms. Stephanie Townsend Allala
Channel 7 News
4140 Rio Bravo
El Paso, Texas 79901
(w/o enclosures)