



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 29, 1997

Ms. Berta R. Martinez
County Clerk
Brewster County
P.O. Drawer 119
Alpine, Texas 79831

OR97-0183

Dear Ms. Martinez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103298.

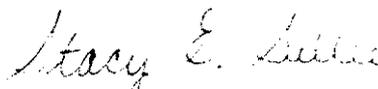
The Brewster County Clerk's Office (the "office") received a request for "a copy of the audio tape of the proceedings of the Brewster County trial setting of October 17, 1996." You claim that the requested information is a record of the judiciary and, therefore, is not subject to the provisions of chapter 552. You also claim that the tape recording belongs to the Brewster County Judge and that the office does not possess the requested information.

Chapter 552 does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). "The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed, but leaves unchanged the status of that branch of government with respect to information held by it." Attorney General Opinion DM-166 (1992) at 1. Accordingly, the Open Records Act does not require the office to provide to the requestor the information requested. Access to judicial records is governed by the common-law right to inspect public records. *See id.*; Open Records Decision Nos. 618 (1993), 274 (1981).

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,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 103298

cc: Ms. Shane Ann Green
Brewster County Attorney
P.O. Box 323
Alpine, Texas 79831