



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1997

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR97-0458

Dear Mr. Pagan:

You ask 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# 31823.

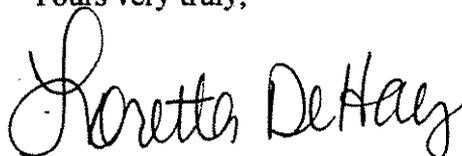
The City of McAllen (the "city") received two open records requests for the names, addresses and deadlines of individuals who have been granted permission by the city's municipal court to take defensive driving classes. You contend the requested information is excepted from required public disclosure by sections 552.101, 552.103, 552.104, and 552.108 of the Government Code.

Please note that 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). *See also* Gov't Code § 552.003(1)(B) (excluding judiciary from definition of "governmental body"). Because the records at issue are held by the judiciary, the provisions of the Open Records Act are inapplicable in this instance. *But see* Open Records Decision No. 274 (1981) (traffic citations held by municipal court made public under other laws giving municipal court clerks same duties as 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 31823

Enclosures: Submitted documents

cc: Mr. Ruben Benavides
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(w/o enclosures)

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