



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 16, 1997

Mr. James Showen
Senior Assistant City Attorney
City of Tyler
P. O. Box 2039
Tyler, Texas 75710

OR97-1394

Dear Mr. Showen:

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# 106651.

The City of Tyler (the "city") received what appears to be a standing request for copies of the "front face sheet" for all traffic citations.¹ In response to the request, you submitted to this office for review a representative sample of the information you assert is responsive.² You assert that all of the requested information is exempt from disclosure under section 552.003(1)(B), as well as excepted from disclosure pursuant to 552.108 of the Government Code. We have considered the arguments and exceptions you have raised and reviewed the submitted information.

¹For your information, we note that the Open Records Act does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983).

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

The Open Records Act generally requires the public disclosure of information maintained by a "governmental body." However, the act does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). It appears that the requestor is seeking records of the judiciary, since the requested information appears to be part of the city's municipal court records. The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Attorney General Opinion DM-166; Open Records Decision No. 25 (1974). Accordingly, the Open Records Act does not require you to provide the requestor with the information that he has requested.³

As we resolve your request under section 552.003(1)(B), we need not specifically address your claimed exception under section 552.108 at this time. 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,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 106651

Enclosures: Submitted documents

cc: Mr. James Donato
Health Information Association
11956 Bernardo Plaza Drive, Suite 534
San Diego, California 92128
(w/o enclosures)

³We note, however, that Texas courts have recognized a common-law right of the public to copy and inspect records of the judiciary. *See Davenport v. Garcia*, 834 S.W.2d 4, 24 (Tex. 1992); Attorney General Opinion DM-166 (1992) (historical perspective of right of public access to records of judiciary); Open Records Decision No. 618 (1993). Since municipal court clerks are required to perform the same duties as county clerks, *see* Gov't Code § 29.010, there may be a statutory right of access to the requested records. *See* Local Gov't Code § 191.006 (records held by county clerks are open to public inspection).