



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 21, 1997

Mr. Robert F. Maxfield
Assistant District Attorney
County of Dallas
Administration Building
411 Elm Street
Dallas, Texas 75202

OR97-2345

Dear Mr. Maxfield:

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# 110096.

The Dallas County Community Supervision and Corrections Department (the "department") received a request for information "relating to the list of people who receive compensation checks through community supervision and correction. Specifically the name, address, and amount owed, etc., of the people who cannot be found to receive their checks." You contend that the requested information is not subject to the Open Records Act because the information consists of records of the judiciary. We have considered the exception you claim and reviewed the submitted representative sample of documents.¹

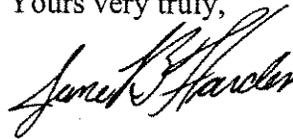
In Open Records Decision No. 646 (1996), we determined that a community supervision and corrections department is a governmental body for purposes of the act, and that its administrative records, such as personnel records and other records reflecting day-to-day management decisions, are subject to the act. *Id.* at 5. On the other hand, we also ruled that specific records regarding individuals on probation and subject to the direct supervision of a court that are held by a community supervision and corrections department are not subject to the act because such records are held on behalf of the judiciary. *Id.*

¹In reaching our conclusion here, we 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.

In this instance, the requestor has asked for the list of individuals who are receiving checks from probationers. You cite to Open Records Decision No. 236 (1980) wherein this office ruled that records of an adult probation office which indicate whether probationers are complying with the terms of their probation are records of the judiciary and thus not subject to the Open Records Act. We find that the requested information similarly indicates whether probationers are complying with the terms of their probation and, as such, the information constitutes records of the judiciary. Therefore, the department is not required to release the records to the requestor. Although the act does not govern the release of judiciary records, the custodian of judiciary records may, of course, choose to release judicial records that are not confidential by law.

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,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/glg

Ref.: ID# 110096

Enclosures: Submitted documents

cc: Ms. Sheryll Rubinett
Researcher
WFAA-TV
606 Young Street
Dallas, Texas 75202
(w/o enclosures)