



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Ms. Carolyn Marshall, CPA
City of Watauga
Municipal Affairs Section
7101 Whitley Road
Watauga, Texas 76148

OR98-3226

Dear Ms. Marshall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120481.

The City of Watauga received a request for records relating to citations issued by the city. You raise section 552.003 of the Government Code as grounds for withholding this information. You have provided a representative sample of the responsive information. We have considered the provision you raise and the documents at issue.

Government Code section 552.003(B) excludes the judiciary from the Open Records Act. The relevance of this provision to requested information turns on what governmental body possesses the information. You do not indicate whether you seek a decision on behalf of the city or the municipal court, nor can we determine whether the subject information is *solely* a record of a court. If the records at issue are maintained *solely* by the municipal court, they are not subject to the Open Records Act. Attorney General Opinion DM-166 at 2-3 (1992). Such records, however, may be made public by other sources of law. Attorney General Opinions DM-166 at 2-3 (1992)(public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974); *see Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released). These records may also be subject to disclosure under statutory law governing municipal courts. *See* Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order). In the event that the sought after information is in the possession of a law enforcement agency or prosecutor, it may constitute "front page" information that must be

released. See generally Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). "Front page information" includes a detailed description of the offense and arrest. Open Records Decision No. 127 (1976).

The city has also indicated that the subject information includes "juvenile information." We interpret this as an allusion to records of juvenile misconduct. Chapter 58 of the Family Code governs dissemination of such records in the pertinent time period. Section 58.007(c) makes records of law enforcement and files concerning a child confidential. Section 58.007(a) excepts records relating to laws regulating the operation of motor vehicles from this statute. Thus, the city must redact the records of offenses allegedly committed by juveniles, with the exception of traffic law violations, before release of the subject information.

We next turn to your request for guidance as to the form of the information to be released. The controlling statute in this regard is section 552.228 of the Government Code, which reads in pertinent part:

(b) If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in the requested medium if:

(1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;

(2) the governmental body is not required to purchase any software or hardware to accommodate the request; and

(c) If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by this section, the governmental body shall provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor. A governmental body is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

Thus, the city has no obligation to purchase software (e.g. contract for vendor assistance) in order to accommodate this request. However, we note that the initial request is for "information in its original form." Apparently Mr. Nelson seeks to inspect the "Uniform Traffic Ticket and Complaint" forms books issued by the city in the period between July 30, 1997 and July 30, 1998. Subject to the above discussion, these paper records must be produced if the city is unable to comply with the request for this information on the media requested.

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,

A handwritten signature in black ink, appearing to read "Michael Burns".

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 120481

Enclosures: Submitted documents

cc: Mr. Jerry Nelson
6621 Mona Lisa
Fort Worth, Texas 76148
(w/o enclosures)