



July 12, 2000

Mr. C. Scott Brumley
Assistant County Attorney
County of Potter
500 South Fillmore, Room 303
Amarillo, Texas 79101

OR2000-2616

Dear Mr. Brumley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 136944.

Potter County (the "county") received a request for reports to the Comptroller of Public Accounts relating to fees collected under section 51.702(b) of the Government Code, as well as the names and last known addresses of all persons who paid such fees. You tell us that you are prepared to release the reports and have informed the requestor of the cost for copies of the reports and of the alternative of inspecting the reports at no charge. However, you claim that the requested names and addresses are records of the judiciary and are thus not subject to chapter 552 of the Government Code, the Public Information Act (the "Act").¹

Your letter to the requestor states that the names and addresses requested are "only available through the docketing records of the County Clerk of Potter County, in her capacity as clerk of the county courts at law." We agree that the court dockets submitted for our review are not subject to a request under the Act because they are records of the judiciary. The Act does not govern access to judicial records. *See* Gov't Code § 552.002 (public information subject to the Act means information collected, assembled, maintained by or for a "governmental body"), § 552.003(1)(B) (providing that under the Act, the term "[g]overnmental body" . . . does not include the judiciary"); *see also Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ).

¹You state in your brief to this office that "all records of the County Clerk's office are open to the public at all reasonable times, unless otherwise restricted by law or court order"; however, you object to being required to copy the information and mail it to the requestor.

While the judiciary is free to make available any of its records, the Act "neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed." Open Records Decision No. 25 at 3 (1974); *see also* Attorney General Opinion DM-166 at 1 (1992). We note, however, that certain judicial records, which do not appear to be implicated here, may be open to the public under other sources of law. *See Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992) (documents filed with a court generally are considered to be public); *see also* Attorney General Opinion DM-166 at 3 (1992) (public has general right to inspect and copy judicial records, subject to the court's power to control access to its records); Rule 12 of the Rules of Judicial Administration. In summary, because the Act does not control access to records of the judiciary, this office cannot direct either the release or withholding of the requested information.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/pr

Ref: ID# 136944

Encl. Submitted documents

cc: Mr. Joe K. Crews
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(w/o enclosures)