



December 4, 2000

Mr. K. Scott Oliver  
Assistant Criminal District Attorney  
Civil Section  
Bexar County Justice Center  
300 Dolorosa, Suite 4049  
San Antonio, Texas 78205

OR2000-4584

Dear Mr. Oliver:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 141765.

Judge Karen Crouch, Bexar County Court No. 8, received two requests for the same information regarding a specified case number. You claim that the Public Information Act (the "Act") is inapplicable to these requests. We have considered the arguments you assert.

As a general rule, the Act does not govern access to judicial records. *See* Gov't Code § 552.003(1)(B) (providing that 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). Because Judge Crouch is a member of the judiciary, the records that she maintains in her judicial capacity are not subject to the Act. *See* Tex. Const. Art. V, § 1; Open Records Decision No. 25 (1974). Therefore, 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) (construing statutory predecessor).<sup>1</sup>

---

<sup>1</sup>Additionally, we note that the requests seek answers to general questions. The Act does not require governmental bodies to provide answers to general inquiries. *See* Open Records Decision Nos. 563 (1990), 555 (1990).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

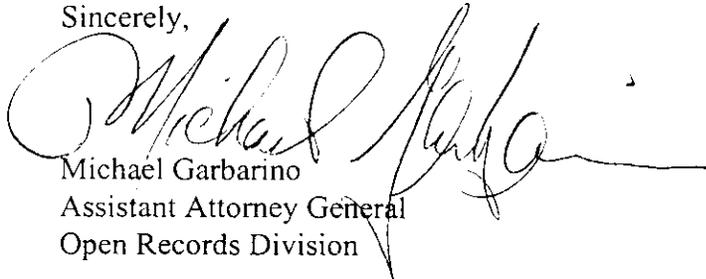
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael Garbarino  
Assistant Attorney General  
Open Records Division

MG/AEC/seg

Ref: ID# 141765

cc: Mr. Crae Robert Pease P.M.P.  
1040 CR 348  
Lexington, Texas 78947

Mr. Benjamin Sangalli  
4106 Flint Hill  
San Antonio, Texas 78230