



April 17, 2001

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

OR2001-1526

Dear Mr. Oliver:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 146105.

The Bexar County Judge (the "county judge") received a request for information relating to bail bonds. You assert that the Act does not require the county judge to respond to this request. You have submitted samples of responsive information that you state were provided by the county clerk, the district clerk, and the district attorney. You further contend that the Act is not applicable to responsive information held by these and other elected county officers. We have considered your arguments and have reviewed the information that you submitted.

Section 552.201 of the Act provides that "[a]n officer for public information of a governmental body shall promptly produce public information for inspection, duplication, or both on application by any person to the officer." Gov't Code § 552.201(a). Section 552.201 further provides that "[e]ach elected county officer is the officer for public information and the custodian, as defined by Section 201.003, Local Government Code, of the information created or received by that county officer's office." *Id.* § 552.201(b). You represent to this office that Judge Krier, the elected county officer to whom the request for information was addressed, is not the custodian of the requested information. Based on your representations, we conclude that because Judge Krier is not the custodian of the requested information, the Act does not require Judge Krier to respond to this request for information. As we are able to make this determination, we do not address the other issues you raise.

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).

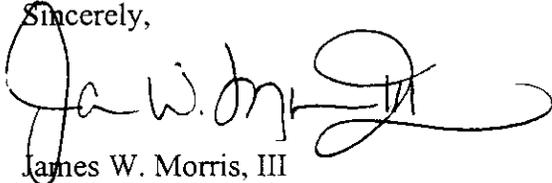
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following 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,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/rr

Ref: ID# 146105

Encl: Submitted documents

cc: Mr. Jerry Arredondo  
9901 IH 10 West, Suite 900  
San Antonio, Texas 78230  
(w/o enclosures)