



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 22, 2005

Ms. Nancy Young
Fannin County District Clerk
101 East Sam Rayburn Drive, Suite 201
Bonham, Texas 75418-4346

OR2005-11551

Dear Ms. Young:

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# 238081.

December 22, 2005 The Fannin County District Clerk (the "clerk") received a request for the names of grand jurors currently impaneled in the county and the names of the jury commissioners who selected the grand jurors. You state that you have released the names of the grand jurors. You assert, however, that the names of the grand jury commissioners may be confidential.

The document you have submitted for our review is a record of the judiciary. The Act does not apply to records of the judiciary. Gov't Code § 552.003(1)(B). Consequently, this document need not be released under the Act. Attorney General Opinion DM-166 (1992). As a record of the judiciary, however, the information may be public by other sources of law. See 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).

You also ask this office to address both the duties of clerks to protect the confidentiality of the names and personal information of grand jury commissioners, and the differences in confidentiality between grand jury commissioners and petit and grand jury lists. These inquiries are outside the scope of the ruling process under the Act. See Gov't Code ch. 552 (discussing, among other things, the attorney general's role in the open records ruling process). *But see* Gov't Code ch. 402 (authorizing certain listed officials and entities to

request a written opinion from the Opinion Committee concerning the official duties of the requesting person or on a question of public interest). Accordingly, the Open Records Division is not authorized to address your questions.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. 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 Office of the Attorney General 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. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. 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 "José Vela III". The signature is stylized with a large initial "J" and "V", and the name "Vela III" written in a cursive script.

José Vela III
Assistant Attorney General
Open Records Division

JV/krl

Ref: ID# 238081

Enc. Submitted documents

c: Mary Omundson
Stagner & Corley
P. O. Box 1058
Sherman, Texas 75091-1058
(w/o enclosures)