



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 24, 2007

Ms. Jacqueline Cullom Murphy
Assistant Criminal District Attorney
Bexar County Criminal District
300 Dolorosa, Suite 4049 - Civil Section
San Antonio, Texas 78205-3030

OR2007-04640

Dear Ms. Murphy:

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# 276847.

The Bexar County District Clerk's Office (the "district clerk") received a request for an update to a report previously given to the requestor called a CJJOARM, as well as the file layouts for two files, KJO-JUDICIAL-CASE-ADA 103 and KJO-JUDICIAL-EVENT-ADA 104. You state that you will disclose the CJJOARM to the requestor. You claim that the requested file layouts are not subject to the Act because they are judicial records. We have considered your argument.

We note that the Act only applies to information that is "collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." Gov't Code § 552.002(a)(1). We also note that the Act does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). Information that is "collected, assembled or maintained by or for the judiciary" is not subject to the Act. Gov't Code § 552.0035(a); *see also* Tex. R. Jud. Admin. 12. Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). *But see Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.— San Antonio 1983, no writ); Open Records Decision No. 646 (1996) at 4 ("function that a governmental entity performs determines whether the entity falls within the judiciary exception to the . . . Act.").

Under section 51.303 of the Government Code, district court clerks are required to “(1) record the acts and proceedings of the court; (2) enter all judgments of the court under the direction of the judge; and (3) record all executions issued and the returns on the executions.” You explain that the Criminal Justice Information System (“CJIS system”) was created to monitor all aspects of a criminal court case. Further, you state that the requested layouts are connected to the judicial records maintained and owned by the district clerk’s office and are a footprint for how the records are stored for use in connection with the CJIS system. Based on these representations, we conclude that the requested information is information collected, assembled, or maintained by or for the judiciary. Consequently, the public availability of this information is not governed by the Act and is instead governed by “rules adopted by the Supreme Court of Texas or by other applicable law and rules” pertaining to information “collected, assembled, or maintained by or for the judiciary.” *See* Gov’t Code § 552.0035(a); Open Records Decision No. 671 (2001).

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. 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 that reads "Kara A. Batey". The signature is written in a cursive style with a large, looping "y" at the end.

Kara A. Batey
Assistant Attorney General
Open Records Division

KAB/mcf

Ref: ID# 276847

Enc. Submitted documents

c: Mr. Vinod Viswanathan
c/o Jacqueline Cullom Murphy
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(w/o enclosures)