



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 28, 2009

Mr. Steven M. Pena, Sr.
Davidson & Troilo
7550 West IH-10, Suite 800
San Antonio, Texas 78229-8515

OR2009-10422

Dear Mr. Pena:

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# 354933.

The Sabinal Municipal Court (the "court"), which you represent, received a request for various speeding citations, radar calibration records, and qualifications of the officers who issued specified citations. You state the court has no information responsive to the request for radar calibration records and qualifications of the officers who issued the citations. We note the Act does not require a governmental body that receives a request for information to create responsive information or obtain information that is not held by the governmental body or on its behalf. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986). You contend that the submitted information is not subject to the Act. In the alternative, you claim that portions of the submitted information are excepted from disclosure under sections 552.103 and 552.130 of the Government Code. We have considered your arguments and reviewed the submitted information.

You state that the submitted information is held by the court. Records of the judiciary are not subject to required public disclosure under the Act.¹ *See Gov't Code* §§ 552.003(1)(A),

¹ Records of the judiciary may be public pursuant to other sources of law. 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

(B) (definition of "governmental body" under Act specifically excludes the judiciary), .021 (Act generally requires disclosure of information maintained by "governmental body"). Based on your representation and our review, we find that the submitted information consists of records of the judiciary that are not subject to release under the Act. We therefore conclude that the court need not release the submitted information in response to the present request.² We note, however, that release of this information is within the discretion of the court. *See* Open Records Decision No. 646 at 4 n. 3 (1996) (citing Open Records Decision No. 236 at 2-3 (1980)).

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/sdk

Ref: ID# 354933

Enc. Submitted documents

c: Requestor
(w/o enclosures)

filed with courts are generally considered public and must be released).

² Because we find the Act is not applicable to the information at issue, we do not reach your arguments against disclosure of this information.