



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 16, 2010

Ms. Cathy Cunningham
Boyle & Lowry, L.L.P.
Attorney for City of Fate
4201 Wingren, Suite 108
Irving, Texas 75062-2763

OR2010-02287

Dear Ms. Cunningham:

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# 374484.

The Fate Municipal Court (the "court"), which you represent, received a request for information pertaining to a named individual. You assert the requested information is not subject to disclosure under the Act. In the alternative, you claim the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.130 of the Government Code. You also state you have notified a third party whose information is at issue of this request and of his right to submit arguments to this office as to why the requested information should not be released. *See Gov't Code § 552.304* (interested party may submit comments stating why information should or should not be released). We have considered your arguments and reviewed the submitted information.

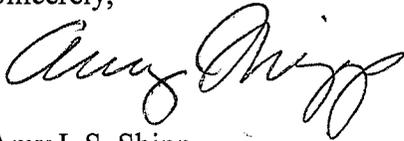
The Act generally requires the disclosure of information maintained by a "governmental body." *See id.* § 552.021. Although the Act's definition of a "governmental body" is broad, it specifically excludes "the judiciary." *See id.* § 552.003(1)(A)-(B). The court here is a part of the judiciary. Because the request for information was made to the judiciary, the requested information need not be released pursuant to the Act. However, we note that Texas courts have long recognized a common-law right to inspect certain judicial records. 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). Additionally, the records may be subject to disclosure under statutory law. *See* Gov't Code § 27.004 (all papers filed in case in justice court are subject to inspection of any interested party at reasonable times); Loc. Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order). As our ruling on this issue is dispositive, we need not address the exceptions you claim under the Act.

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, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

Ref: ID# 374484

Enc. Submitted documents

c: Requestor
(w/o enclosures)

cc: Mr. Jonathan W. Lamm
33 Ross Road
Arkadelphia, Arkansas 71923
(w/o enclosures)