



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 4, 2010

Ms. Cara Leahy White
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2010-15079

Dear Ms. White:

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# 395525.

The City of Saginaw (the "city"), which you represent, received two requests from the same requestor for the oath of office of a named municipal judge and any related materials and the oath of attorney and license to practice law of a named municipal prosecutor. You claim that the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (providing interested party may submit comments stating why information should or should not be released).

Initially, we note the Act 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." *Id.* § 552.002(a)(1). However, a "governmental body" under the Act "does not include the judiciary." *Id.* § 552.003(1)(B). Information that is "collected, assembled or maintained by . . . the judiciary" is not subject to the Act but is instead "governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules." *Id.* § 552.0035(a); *cf.* Open Records Decision No. 131 (1976) (applying statutory predecessor to judiciary exclusion under section 552.003(1)(B) prior to enactment of section 552.0035). The submitted information includes an official oath of office that was required to be taken by an elected or appointed official pursuant to the Texas Constitution. *See* TEX. CONST. art. XVI, § 1. Each judge is required to maintain his or her oaths of office with the official records of the office. *See id.* We therefore determine that the municipal judge's oath of office constitutes a judicial record as defined under Rule 12.2 of the Rules of Judicial Administration. *See* Tex. R. Jud. Admin. 12.2(d) (defining "judicial record"). Thus, the required public disclosure of the information at issue is governed by rule 12 of the Rules of Judicial Administration, not the Act. *See* Gov't Code § 552.0035(a). This office

does not address questions under those rules. *See* Tex. R. Jud. Admin. 12.9 (providing procedures for appeal of denial of access to judicial records with the Administrative Director of the Office of Court Administration). Therefore, the Act does not apply to the municipal judge's oath of office and need not be released in response to this request.¹

Next, we note the remaining information consists of the minutes of a public meeting of the city council. Minutes of a governmental body's public meetings are specifically made public under the Open Meetings Act, chapter 551 of the Government Code. *See* Gov't Code § 551.022 (minutes and tape recordings of open meeting are public records and shall be available for public inspection and copying on request to governmental body's chief administrative officer or officer's designee). As a general rule, the exceptions to disclosure found in the Act, such as section 552.103, do not apply to information other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the minutes of the public city council meeting, which we have marked, must be released pursuant to section 551.022 of the Government Code.

In summary, the municipal judge's oath of office is not subject to the Act and need not be released in response to this request. The minutes of the public city council meeting must be released pursuant to section 551.022 of the Government Code.

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eeg

¹As our ruling is dispositive for this information, we do not address your argument under section 552.103 of the Government Code.

Ref: ID# 395525

Enc. Submitted documents

c: Requestor
(w/o enclosures)