



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 20, 2011

Mr. David K. Walker
County Attorney
Montgomery County
207 West Phillips, Suite 100
Conroe, Texas 77301

OR2011-10317

Dear Mr. Walker:

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# 427108.

The Montgomery County Justice of the Peace for Precinct 3 (the "justice") received a request for the autopsy report of a named individual. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

The Act generally requires the disclosure of information maintained by a "governmental body." Gov't Code § 552.021. Section 552.003(b) of the Government Code excludes the judiciary from the Act. Therefore, the Act neither authorizes information held by the judiciary to be withheld nor requires that it be disclosed. *See* Open Records Decision No. 25 (1974). A justice of the peace is a member of the judiciary. Because the request for information was made to the judiciary, the requested information need not be released pursuant to the Act.¹ *See* Gov't Code § 552.0035 (access to information maintained by or

¹ As our ruling is dispositive, we need not address the exception you claim under the Act.

for judiciary is governed by rules adopted by supreme court); TEX. R. JUD. ADMIN. 12 (public access to judicial records).²

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/sdk

Ref: ID# 427108

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note records of the judiciary may be public under other sources of 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); see also *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); Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974).

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Enc. Submitted documents

c: CAROLWHITEHEAD
c/o DAVID K. WALKER
COUNTY ATTORNEY
MONTGOMERY COUNTY
207 WEST PHILLIPS STE 100
CONROE, TEXAS 77301
(w/o enclosures)