



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 3, 2012

Ms. Lynne Wilkerson  
Assistant Chief, General Counsel  
Bexar County Juvenile Probation Department  
301 East Mitchell Street  
San Antonio, Texas 78210-3845

OR2012-01711

Dear Ms. Wilkerson:

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# 444216.

The Bexar County Juvenile Probation Department (the "department") received a request for all records pertaining to a named individual. You claim that the submitted information is not subject to the Act, and that, in the alternative, the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the representative sample of submitted information.<sup>1</sup> We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

You assert the submitted information is not subject to the Act. The Act generally requires the disclosure of information maintained by a "governmental body." *See id.* § 552.021. While the Act's definition of a "governmental body" is broad, it specifically excludes "the judiciary." *See id.* § 552.003(1) (A), (B). In Open Records Decision No. 646 (1996), this office determined that a community supervision and corrections department is a

---

<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

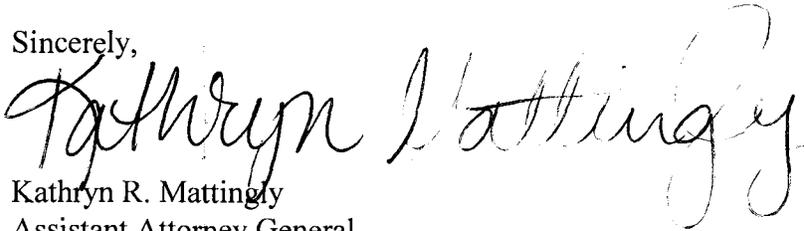
governmental body for purposes of the Act, and that its administrative records, such as personnel records and other records reflecting day-to-day management decisions, are subject to the Act. ORD 646 at 5. On the other hand, we also ruled that specific records regarding individuals on probation and subject to the direct supervision of a court that are held by a community supervision and corrections department are not subject to the Act because such records are held on behalf of the judiciary. *Id.*; see Gov't Code § 552.003.

You have informed this office that the submitted documents are records concerning a former juvenile probationer maintained by the department on behalf of the judiciary. We note that records held by the department that pertain to juveniles subject to the direct supervision of the court are judicial records. See ORD 646 at 2-3; *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ) (in determining whether governmental entity falls within judiciary exception, this office looks to whether governmental entity maintains relevant records as agent of judiciary with regard to judicial, as opposed to administrative, functions). In this instance, we find the submitted information is held by the department on behalf of the judiciary and, therefore, not subject to disclosure under the Act. Our ruling does not address the public availability of this information, and the department need not release it in response to this request.<sup>2</sup>

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](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,



Kathryn R. Mattingly  
Assistant Attorney General  
Open Records Division

KRM/som

---

<sup>2</sup>As our ruling for this information is dispositive, we need not address your remaining argument against its disclosure.

Ref: ID# 444216

Enc. Submitted documents

c: Requestor  
(w/o enclosures)