



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 8, 2012

Ms. Rebecca Ramirez Palomo
Executive Director
Webb County Community Supervision and Corrections Department
1110 Victoria Street, Suite 104
Laredo, Texas 78040-4439

OR2012-06734

Dear Ms. Palomo:

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# 453174.

The Webb County Community Supervision and Corrections Department (the "department") received a request for all referrals by the department, district attorney, and the 406th District Court to a named company during the 2009, 2010, and 2011 calendar years. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

The Act generally requires the disclosure of information maintained by a "governmental body." Gov't Code § 552.021. Although the Act's definition of a "governmental body" is broad, it specifically excludes "the judiciary." *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 governmental body for the 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. *See* ORD 646 at 5. We further concluded, however, that specific records held by a community supervision and corrections department regarding individuals on probation and subject to the direct supervision of a court are not subject to the Act because such records are held on behalf of the judiciary. *See id.*; *see also* Gov't Code § 552.003.

You inform us the submitted information pertains to probationers who are under the supervision of the department. Based on your representations and our review, we find this information constitutes records held by the department on behalf of the judiciary and is not subject to disclosure under the Act. *See* ORD 646 at 2-3; *see also Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ) (in determining whether governmental entity falls within judiciary exception, attorney general looks to whether governmental entity maintains relevant records as agent of judiciary with regard to judicial, as opposed to administrative, functions). Accordingly, the submitted information need not be released in response to this request.

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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/dls

Ref: ID# 453174

Enc. Submitted documents

c: Requestor
(w/o enclosures)