



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 9, 2014

Mr. Michael L. Garza
Assistant District Attorney
Hidalgo County
100 North Closner Boulevard, Room 303
Edinburg, Texas 78539

OR2014-18152

Dear Mr. Garza:

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# 539214 (Hidalgo County Ref. No. 2014-0095-DA).

The Hidalgo County District Clerk's Office (the "district clerk's office") received a request for records of all felony cases in Hidalgo County from 1994 to the date of the request, including offense information and disposition. You argue the requested information is not subject to the Act. We have considered your argument and reviewed the submitted representative sample of information.¹

The Act is applicable to information "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." Gov't Code § 552.002(a)(1). However, the Act's definition of "governmental body" does not include the judiciary. *Id.* § 552.003(1)(B). Information "written, produced, collected, assembled, or maintained by or for the judiciary" is not subject to the Act but, instead, is "governed by rules adopted by the Supreme Court of Texas or by

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

other applicable laws and rules.” *Id.* § 552.0035(a); *cf.* Open Records Decision No. 131 (1976) (applying statutory predecessor to judiciary exclusion under Government Code section 552.003(1)(B) prior to enactment of Government Code section 552.0035). You inform us the requested information is maintained by the district clerk’s office solely as an agent of the judiciary. Accordingly, we conclude the requested information is not subject to the Act, and need not be released in response to this request for information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Brian E. Berget
Assistant Attorney General
Open Records Division

BB/ac

Ref: ID# 539214

Enc. Submitted documents

c: Requestor
(w/o enclosures)