



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 15, 2014

Mr. Robert Davis  
Counsel for the County of Collin  
Matthews, Shiels, Pearce, Knott, Eden & Davis, L.L.P.  
8131 LBJ Freeway, Suite 700  
Dallas, Texas 75251

OR2014-18509

Dear Mr. Davis:

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# 539385 (ORR# 1600/66033).

The Collin County District Clerk's Office (the "district clerk's office") and Collin County (the "county"), which you represent, each received a request for several categories of information pertaining to the requestor, a specified divorce proceeding and a related hearing, specified telephone records, and holiday events hosted by specified individuals, during specified time periods. You argue the requested information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

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 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). Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). *But see Benavides v. Lee*, 665 S.W.2d 151 (Tex.

App.—San Antonio 1983, no writ); Open Records Decision No. 646 at 4 (1996) (“function a governmental entity performs determines whether the entity falls within the judiciary exception to the ... Act.”). The first request at issue was addressed to the district clerk’s office. Thus, this request seeks information maintained by the district clerk’s office. The district clerk’s office is the custodian of the information responsive to this request, and the information is maintained by the district clerk’s office as an agent of the judiciary. Therefore, we find the information responsive to the first request consists of records of the judiciary, and such information is thus not subject to the Act.

The second request was submitted to the county. In his request to the county, the requestor states he is “requesting records from . . . any office [within the county] that maintains, stores[, or] has records which are stored [or] maintained for the [district clerk’s office].” Thus, we understand the requestor seeks records that are maintained by the district clerk’s office as an agent of the judiciary or by other county departments on behalf of the district clerk’s office as an agent of the judiciary. We note the information you have submitted as responsive to the second request is identical to the information you submitted as responsive to the first request, which, as noted above, is maintained by the district clerk’s office as an agent of the judiciary. Upon review, we find the request to the county is a request for records of the judiciary, which need not be released under the Act. Accordingly, we find neither the district clerk’s office nor the county need release the submitted information in response to the requests. As we are able to make this determination, we need not address your remaining arguments against disclosure.

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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 539385

Enc. Submitted documents

c: Requestor  
(w/o enclosures)