



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 12, 2016

Mr. Gary D. Trammel
County Attorney
Stephens County
200 West Walker Street, Room 206
Breckenridge, Texas 76424

OR2016-22952

Dear Mr. Trammel:

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# 632914.

The Honorable Gary L. Fuller, Stephens County Judge (the "county judge's office"), received two requests from the same requestor for documents that reflect the following: (1) "Court Cases that you, as the County Judge performing the official duties as a Magistrate, presided over" for two specified periods of time; (2) "the insurance coverage on all privately owned vehicles operated by you as the County Judge"; and (3) "the additional insured insurance coverage protecting Stephens County from loss on all privately owned vehicles operated by you as the County Judge." The county judge's office states it does not have the requested information pertaining to insurance coverage.¹ The county judge's office claims the requested information pertaining to court cases is not subject to the Act. We have considered the submitted arguments.

The Act applies 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, a "governmental body" under

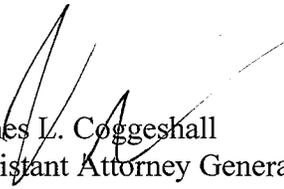
¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

the Act does not include the judiciary. *Id.* § 552.003(1)(B). Information that is “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.* Attorney General Opinions DM-166 (1992), H-826 (1976); Open Records Decision Nos. 610 (1992), 572 (1990), 513 (1988). The county judge’s office informs us it maintains the requested information pertaining to court cases as a magistrate and member of the judiciary. Based on these representations, we conclude the requested information pertaining to court cases consists of records of the judiciary that are not subject to the Act, and the county judge’s office is not required to release such information in response to the 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 632914

c: Requestor