



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 18, 2016

Ms. Erin D. Thorn
Assistant District Attorney
County of Hidalgo
100 North Closner, Room 303
Edinburg, Texas 78539

OR2016-25752

Dear Ms. Thorn:

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# 634844 (Hidalgo County Reference No. 2016-0107-DA).

The Hidalgo County District Attorney's Office (the "district attorney's office") received a request for grand jury minutes and transcripts pertaining to a specified cause number, and the name, sex, and race of each of the grand jurors. The district attorney's office states it does not have information related to the sex and race of the grand jurors. You argue the submitted information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information. 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).

Initially, we note the requestor only seeks the name, age, sex, and race of the members of the grand jury and the grand jury minutes and transcripts for a specified cause number. Thus, any other information is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the district attorney's office is not required to release non-responsive information in response to this request.

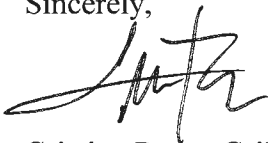
The Act is applicable to information that is "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official

business” by a governmental body. *Id.* § 552.002(a)(1). However, the Act’s definition of “governmental body” “does not include the judiciary.” *Id.* § 552.003(1)(B). Information “collected, assembled, or maintained by or for the judiciary” is not subject to the Act but is instead “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 Gov’t Code § 552.003(1)(B) prior to enactment of Gov’t Code § 552.0035). You inform us the submitted information is maintained by the district attorney’s office solely as an agent of the judiciary. Accordingly, we conclude the responsive 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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/bw

Ref: ID# 634844

Enc. Submitted documents

c: Requestor
(w/o enclosures)