



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 22, 2017

Mr. Bob D. Odom
Assistant District Attorney
27th Judicial District of Texas
P.O. Box 540
Belton, Texas 76513-0540

OR2017-05835

Dear Mr. Odom:

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# 649882.

The 27th Judicial District Attorney's Office (the "district attorney's office") received a request for information pertaining to the grand jurors and grand jury minutes for a specified case. You state the district attorney's office does not have information responsive to a portion of the request.¹ Additionally, you state the district attorney's office has released some of the requested information. You claim the remaining requested information is not subject to the Act. We have considered your argument.

You assert the remaining requested information is not subject to the Act because it consists of records of the grand jury in the specified case. The judiciary is expressly excluded from the requirements of the Act. *See* Gov't Code § 552.003(1)(B); *see also id.* § 552.0035 (access to judicial records is governed by Supreme Court of Texas or other applicable laws or rules). This office has determined a grand jury, for purposes of the Act, is a part of the judiciary and therefore not subject to the Act. *See* Open Records Decision No. 411 (1984).

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

We understand the remaining requested information is maintained solely by the grand jury at issue. Therefore, we conclude the remaining 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 649882

c: Requestor