



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 6, 2017

Mr. Jim D. McLeroy
Counsel for City of Quitman
P.O. Box 1253
Sulphur Springs, Texas 75483

OR2017-20287

Dear Mr. McLeroy:

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# 679941.

The City of Quitman Municipal Court (the "court"), which you represent, received a request for information pertaining to a specified investigation. The court states it does not have some of the requested information.¹ The court also states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under section 552.102 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

The Act generally requires the disclosure of information maintained by a "governmental body." See Gov't Code § 552.021. However, the Act's definition of "governmental body" does not include the judiciary." See *id.* § 552.003(1)(A), (B). Information "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). Therefore, the Act "neither authorizes

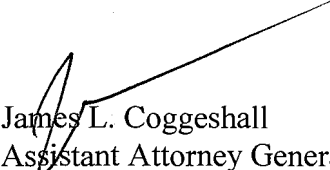
¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received. See generally *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed).

information held by the judiciary to be withheld nor requires it be disclosed.” Open Records Decision No. 25 at 2 (1974). The request for information was received by the court. Thus, the request is for information maintained by the court. Accordingly, we conclude the requested information is not subject to the Act and the court is not required to release it in response to this request for information.²

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# 679941

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we do not address the other arguments to withhold this information.