



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 2, 2017

Mr. J.R. Harris  
Assistant County Attorney  
Harris County  
1019 Congress, 15th Floor  
Houston, Texas 77002

OR2017-22392

Dear Mr. Harris:

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# 678700 (ORR# 17PIA0409).

The Harris County Office of Budget Management (the "county") received a request for a specified report pertaining to the jail population of Harris County. The county claims the requested information is either not subject to the Act or excepted from disclosure under section 552.103 of the Government Code. We have considered the submitted arguments and reviewed the submitted representative sample of information.<sup>1</sup>

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

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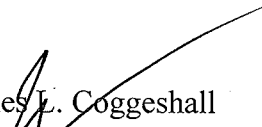
<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

enactment of Government Code section 552.0035). Therefore, the Act “neither authorizes information held by the judiciary to be withheld nor requires it be disclosed.” Open Records Decision No. 25 at 2 (1974). The county states it has access to the requested information as an agent of the judiciary. Based on this representation, we conclude the request is for information maintained by the court. Accordingly, we conclude the requested information is not subject to the Act and the county is not required to release it in response to this request for information.<sup>2</sup>

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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 678700

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we do not address the other argument to withhold this information.