



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 5, 2017

Mr. Juan R. Molina
Counsel for City of Mercedes
Law Office of Juan R. Molina
P.O. Box 190
Weslaco, Texas 78596

OR2017-22686

Dear Mr. Molilna:

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# 684677.

The Mercedes Municipal Court (the "court"), which you represent, received a request for the arrest warrant and affidavit related to a specified arrest. The court claims the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.148 of the Government Code. We have considered the exceptions the court claims and reviewed the submitted information.

The Act is applicable 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, 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). Therefore, the Act neither authorizes information held by the judiciary to be withheld, nor does it require such information be disclosed. *See* Open Records Decision No. 25 (1974). The instant request was addressed to the court, states it seeks information maintained by the court, and states the request "is not a request under

the [Act].” Accordingly, we conclude the requested information is not subject to the Act and need not be released in response to this request for information. As we are able to make this determination, we need not address the court’s arguments against disclosure of the 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/bw

Ref: ID# 684677

c: Requestor