



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 24, 2019

Mr. Robert J. Davis
Counsel for Collin County Community Supervision and Corrections Department
Matthews, Shiels, Knott, Eden, Davis, & Beanland, L.L.P.
8131 Lyndon B. Johnson Freeway, Suite 700
Dallas, Texas 75251

OR2019-10888

Dear Mr. Davis:

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# 761551 (ORR# 1600-62049).

The Collin County Community Supervision and Corrections Department (the "department") received a request for probation records pertaining to a named individual. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

The department argues the submitted information constitutes judicial records not subject to the Act. The Act applies only 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[.]" Gov't Code § 552.002(a)(1). The Act generally requires the disclosure of information maintained by a governmental body. *Id.* A governmental body under the Act "does not include the judiciary." *Id.* § 552.003(1)(B). However, in Open Records Decision No. 646 (1996), this office determined a community supervision and corrections department is a governmental body for purposes of the Act, and its administrative records such as personnel files and other records reflecting the day-to-day management of the department are subject to the Act. ORD 646 at 5; *see also Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ) (in determining whether governmental entity falls within judiciary exception, this office looks to whether governmental entity maintains relevant records as agent of judiciary with regard to judicial,

as opposed to administrative, functions). In contrast, specific records held by a community supervision and corrections department that concern individuals who are on probation and subject to the direct supervision of a court are not subject to the Act, because such records are held on behalf of the judiciary. ORD 646 at 5. In this instance, the department states the submitted information, which consists of probation records, was collected, assembled, or maintained by or for the judiciary. Thus, this information consists of records of the judiciary that are not subject to the Act and need not be released in response to the instant request.

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,

A handwritten signature in cursive script that reads "D. Michelle Case". The signature is written in black ink and is followed by a horizontal line.

D. Michelle Case
Assistant Attorney General
Open Records Division

DMC/gw

Ref: ID# 761551

Enc. Submitted documents

c: Requestor
(w/o enclosures)