



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 2, 2019

Ms. Kathy Kent  
District Clerk  
Jasper County  
121 North Austin Street, Room 202  
Jasper, Texas 75951

OR2019-11658

Dear Ms. Kent:

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# 771264.

The Jasper County District Clerk's Office (the "county") received a request for minutes related to specified grand jury meetings. You claim the requested information is not subject to the Act. You further claim the requested information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered your arguments.

You assert the requested information is not subject to the Act because it consists of records of the grand jury. 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). Further, records kept by another person or entity acting as an agent for a grand jury are considered to be records in the constructive possession of the grand jury and therefore are not subject to the Act. *See* Open Records Decisions Nos. 513 (1988), 398 (1983). *But see* ORD 513 at 4 (defining limits of

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<sup>1</sup>Although you also claim an exception under section 552.021 of the Government Code, we note this section is not an exception to disclosure under the Act, and provides only for the availability of public information. *See* Gov't Code § 552.021.

judiciary exclusion). The fact that information collected or prepared by another person or entity is submitted to the grand jury does not necessarily mean that such information is in the grand jury's constructive possession when the same information is also held in the other person's or entity's own capacity. Information held by another person or entity but not produced at the direction of the grand jury may well be protected under one of the Act's specific exceptions to disclosure, but such information is not excluded from the reach of the Act by the judiciary exclusion. *See* ORD 513. We understand the requested information is maintained solely by the grand jury at issue. Therefore, we conclude the requested information is not subject to the Act and need not be released 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,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/be

Ref: ID# 771264

c: Requestor

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.