



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 17, 2019

Mr. Ryan Kerr  
Assistant County Attorney  
El Paso County  
500 East San Antonio, Room 503  
El Paso, Texas 79901

OR2019-13263

Dear Mr. Kerr:

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# 766136 (ORR# OP-19-178).

The El Paso County Criminal Coordination Department (the "CJC") received a request for specified categories of information pertaining to the issuance of bonds. The CJC states it does not have some of the requested information.<sup>1</sup> The CJC claims the submitted information is either not subject to the Act or excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

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

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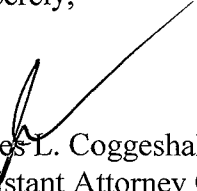
<sup>1</sup>The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed).

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 information held by the judiciary to be withheld nor requires it be disclosed.” Open Records Decision No. 25 at 2 (1974). The CJC states it has access to the submitted information as an agent of the judiciary. Based on this representation, we conclude the request is for information maintained by or for the court. Accordingly, we conclude the submitted information is not subject to the Act and the CJC 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/gw

Ref: ID# 766136

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 arguments to withhold this information.