



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 23, 2019

Ms. Candice Flores  
Office Manager  
216<sup>th</sup> Judicial District  
Gillespie and Kerr County  
402 Clearwater Paseo, Suite 400  
Kerrville, Texas 78028

OR2019-26576

Dear Ms. Flores:

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# 787154.

The Gillespie and Kerr County District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified indictment. You claim the requested information does not consist of public information subject to the Act. We have considered the submitted arguments. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The district attorney's office informs us the requested information is maintained by the district attorney's office only in its capacity as an agent of the grand jury. 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[.]" *Id.* § 552.002(a)(1). The judiciary is expressly excluded from the requirements of the Act. *Id.* § 552.003(1)(B). This office has determined for purposes of the Act, a grand jury is a part of the judiciary and therefore not subject to the Act. *See* Open Records Decision No. 411 (1984). Further, records kept by a governmental body that is acting as an agent for a grand jury are considered records in the constructive possession of the grand jury and are also not subject to the Act. *See* Open Records Decisions Nos. 513 (1988), 411, 398 (1983). Thus, the requested information consists of records of the

judiciary that are not subject to disclosure under the Act and the district attorney's office is not required to release the information 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Pearlie Gault", with a horizontal line extending to the right.

Pearlie Gault  
Attorney  
Open Records Division

PG/eb

Ref: ID# 787154

c: Requestor