



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 12, 2020

Mr. Mark Kratovil
Assistant Criminal District Attorney
Tarrant County District Attorney's Office
401 West Belknap, 9th Floor
Fort Worth, Texas 76196-0201

OR2020-07894

Dear Mr. Kratovil:

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# 816188.

The Tarrant County District Attorney's Office (the "district attorney's office") received a request for eleven categories of information pertaining to the county's E-Jury system. You state the district attorney's office has released most of the requested information. Further, you state the district attorney's office will withhold or release some of the requested information in accordance with the previous determination issued in Open Records Letter No. 2020-03644 (2020). *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). You claim the remaining requested information is not subject to the Act. We have considered your arguments.

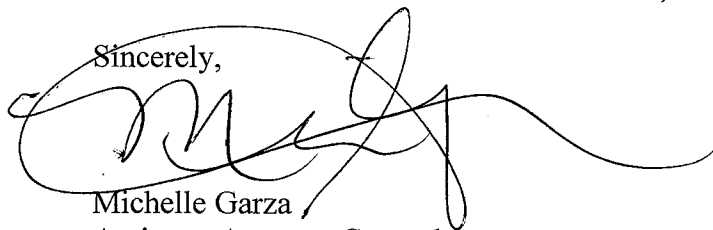
The Act is applicable to information "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business" by a governmental body. Gov't Code § 552.002(a)(1). However, the Act's definition of "governmental body" "does not include 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). You state the instant request includes judicial records collected, assembled, or maintained by the district attorney's office on behalf of the judiciary. Accordingly, we conclude the information at issue consists of records of the judiciary, is not subject to the Act, and need not be released in response to this request for information.¹

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 'Michelle Garza', with a long, sweeping horizontal flourish extending to the right.

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/rm

Ref: ID# 816188

Enc. Submitted documents

c: Requestor

¹ We note records of the judiciary may be public under other sources of law. *See* Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order); *see also* *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered to be public and must be released); Attorney General Opinions DM-166 at 2-3 (1992) (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974).