



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 18, 2020

Mr. Mark LaForge
Assistant District Attorney
Fort Bend District Attorney's Office
301 Jackson Street, Room 101
Richmond, Texas 77469-3108

OR2020-16322

Dear Mr. LaForge:

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# 837461.

The Fort Bend County District Attorney's Office (the "district attorney's office") received a request for the first name, last name, and phone number for all members of the current grand juries of Fort Bend County. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor only seeks the first name, last name, and phone number for all members of the current grand juries. Accordingly, the remaining information is not responsive, and the district attorney's office is not required to release such information in response to the instant request.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses article 19.42 of the Code of Criminal Procedure, which provides as follows:

- (a) Except as provided by Subsection (b), information collected by the court, court personnel, or prosecuting attorney during the grand jury selection process about a person who serves as a grand juror, including the person's home address, home telephone number, social security number, driver's license number, and other personal information, is confidential and may not be disclosed by the court, court personnel, or prosecuting attorney.

(b) On a showing of good cause, the court shall permit disclosure of the information sought to a party to the proceeding.

Crim. Proc. Code art. 19.42. Article 19.42 makes confidential certain “personal information” pertaining to individuals who served on grand juries. However, this office has determined article 19.42 does not make the names of such individuals confidential. *See* Attorney General Opinion GA 0422 at 3 (2006) (grand jurors’ identities are not “personal information” for purposes of Crim. Proc. Code art. 19.42); Open Records Decision No. 433 (1986) (“As a practical matter . . . the names of the impaneled grand jurors will already have been publicly divulged, since the impaneling will have taken place in open court.”). Upon review, we find some of the submitted responsive information, which we marked, is confidential under article 19.42. Therefore, the district attorney’s office must withhold the information we marked under section 552.101 of the Government Code in conjunction with article 19.42 of the Code of Criminal Procedure. However, the remaining responsive information is not confidential under article 19.42, and the district attorney’s office may not withhold it under section 552.101 on that ground. Accordingly, the district attorney’s office must release the remaining responsive information.

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,

Jahnna Ward
Assistant Attorney General
Open Records Division

JW/be

Ref: ID# 837461

Enc. Submitted documents

c: Requestor
(w/o enclosures)