



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2020

Mr. Tommy L. Coleman
Assistant District Attorney
Polk County Criminal District Attorney's Office
101 West Mill Street, Suite 247
Livingston, Texas 77351

OR2020-22738

Dear Mr. Coleman:

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# 845330.

The Polk County District Clerk's Office (the "district clerk's office") received a request for all records related to harassment or stalking charges before any grand jury during a specified time period. The district clerk's office states it is releasing some of the requested information. The district clerk's office claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the district clerk's office claims and reviewed the submitted information.

The submitted information consists of grand jury lists and minutes. 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[.]" Gov't Code § 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). The district clerk's office holds the information at issue as an agent of the grand jury. Accordingly, the information consists of records of the judiciary that are not subject to disclosure under the Act and the district clerk's office is not required to release the information in response to the instant request. As we are able to make this

determination, we do not address the district clerk's office's claimed exception to disclosure.

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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/mo

Ref: ID# 845330

Enc. Submitted documents

c: Requestor
(w/o enclosures)