



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 29, 2020

Mr. Mark C. Kratovil  
Assistant Criminal District Attorney  
Tarrant County  
401 West Belknap, 9<sup>th</sup> Floor  
Fort Worth, Texas 76196-0201

OR2020-24435

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# 846971.

The Tarrant County Criminal District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified grand jury proceeding. The district attorney's office claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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. Upon review, we agree the district attorney’s office must withhold the information it has marked under section 552.101 of the Government Code in conjunction with under article 19.42 of the Code of Criminal Procedure.

Section 552.101 of the Government Code also encompasses article 20.02(a) of the Code of Criminal Procedure, which provides “[t]he proceedings of the grand jury shall be secret.” *Id.* art. 20.02(a). In construing article 20.02 of the Code of Criminal Procedure, the types of “proceedings” Texas courts have generally stated are secret are testimony presented to the grand jury and the deliberations of the grand jury. *See In re Reed*, 227 S.W.3d 273, 276 (Tex. App.—San Antonio 2007, orig. proceeding). Upon review, we agree the district attorney’s office must withhold the information it has marked under section 552.101 of the Government Code in conjunction with under article 20.02 of the Code of Criminal Procedure. *See* Open Records Decision No. 513 at 4 (1988) (information must be withheld if its release would reveal grand jury’s deliberations).

In summary, the district attorney’s office must withhold the information it has marked under section 552.101 of the Government Code in conjunction with under article 19.42 of the Code of Criminal Procedure. The district attorney’s office must also withhold the information it has marked under section 552.101 of the Government Code in conjunction with under article 20.02 of the Code of Criminal Procedure. The district attorney’s office must release the remaining 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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/mo

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)