



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 18, 2020

Ms. Alexandra Golden
Assistant District Attorney
County of Brazoria
111 East Locust, Suite 408A
Angleton, Texas 77515

OR2020-31930

Dear Ms. Golden:

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# 859245 (Ref. No. 20-2590).

The Brazoria County District Attorney's Office (the "district attorney's office") received a request for subpoenas pertaining to a specified case. You claim the submitted information is not subject to the Act. We have considered the submitted argument and reviewed the submitted information.

You inform us the submitted information consists of a grand jury subpoena. The judiciary is expressly excluded from the requirements of the Act. Gov't Code § 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). You state the information at issue is only held by the district attorney's office acting as an agent of the grand jury and is in the constructive possession of the grand jury. Accordingly, we find the submitted information consists of records of the judiciary that are not subject to release under the Act, and the district attorney's office need not release the submitted information in response to this 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,

Meagan Hunter
Assistant Attorney General
Open Records Division

MH/gw

Ref: ID# 859245

Enc. Submitted documents

c: Requestor
(w/o enclosures)