



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 21, 2022

Justice W.H. Peterson
Justice of the Peace for McLennan County Precinct 1, Place 2
501 Washington Avenue, Suite 108
Waco, Texas 76701

Justice David W. Pareya
Justice of the Peace for McLennan County Precinct 3
P.O. Box 495
West, Texas 76691

Justice Fernando Villarreal
Justice of the Peace for McLennan County Precinct 5
1800 Richter Avenue, Suite A
Waco, Texas 76711

OR2022-17559

Dear Justices Peterson, Pareya, and Villarreal:

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# 954545.

The Offices of the Justice of the Peace for McLennan County Precinct 1, Place 2, Precinct 3, and Precinct 5 (collectively, the "justice of the peace") each received a request for information pertaining to deceased individuals in McLennan County. The justice of the peace claims the requested information is not subject to the Act. We have considered the submitted 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 requires such information be disclosed. *See* Open Records Decision No. 25 (1974). Because a justice of the peace is a member of the judiciary, the records that a justice of the peace maintains are not subject to the Act. *See* Tex. Const. art. V, § 1; Open Records Decision No. 25 (1974). The request is for information maintained by the justice of the peace. Accordingly, we conclude the requested information is not subject to the Act and need not be released in response to the requests for 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/be

Ref: ID# 954545

c: Requestor