



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 3, 2022

Mr. J. Brett Smith  
District Attorney  
Grayson County  
200 South Crockett Street, Suite 116A  
Sherman, Texas 75090

OR2022-22852

Dear Mr. Smith:

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# 963929.

The Court Clerk for Grayson County Justice of the Peace, Precinct 4, (the "court") received a request for information pertaining to three specified cause numbers. You argue the submitted information consists of records of the judiciary not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

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." Govt 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). The request for information was received by the court's clerk. Thus, the request is for information maintained by the court. Accordingly, we conclude the requested information is not subject to the Act and the court is not required to release it in response to this request for information.<sup>1</sup>

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<sup>1</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of the requested 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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/jxd

Ref: ID# 963929

Enc. Submitted documents

c: Requestor  
(w/o enclosures)