



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 18, 1992

Ms. Mercedes Leal
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR92-315

Dear Ms. Leal:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15762.

The Harris County District Clerk (the "clerk") received a request for information about certain minors' trust fund accounts of several specified courts. Although you indicated that you are not certain what specific information the requestor is seeking, you submitted two documents as representative samples of information which is available and responsive to the request. One is the "history" of a particular trust fund account. The other is a computer print-out of uninvested trust account funds in a particular district court. You urge that you may withhold this information pursuant to section 2(1)(H) of the Open Records Act as judicial records, and alternately, because it is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

The Texas Open Records Act makes all information in the possession of "governmental bodies" available to the public, with certain enumerated exceptions. V.T.C.S. art. 6252-17a, §3(a). Section 2(1)(H) of the Open Records Act excludes the judiciary from the definition of "governmental body." Accordingly, documents in the possession of the judiciary are not subject to the Open Records Act.

The application of the judicial exception to the clerk's information about trust fund accounts depends on the function of the clerk and the information itself. *See Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ). The information at issue consists of records of minors' trust fund accounts which have been deposited in the registry fund of certain courts. The maintenance of these

records is part of the clerk's role as custodian of all funds paid into the registry of the courts. *See* Local Gov't Code § 117.120. The money in these accounts is under the control and supervision of the court in each case. *See* Local Gov't Code §§117.121(a), 117.053, 117.112(1); *see also* Attorney General Opinions JM-1162 (1990); JM-882 (1988). Accordingly, we find that the information at issue constitutes records of the judiciary and is not subject to the Open Records Act. *See* Open Records Decision Nos. 572 (1990); 527 (1989); Attorney General Opinion H-826 (1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-315.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Opinion Committee

KH/lmm

Ref: ID# 15762

cc: Ms. Ruby Murphy
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