



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Ms. Marilyn Barnes
Assistant County Attorney
Harris County Attorney's Office
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR93-764

Dear Ms. Barnes:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 21877.

The Harris County District Clerk received a request for "the print-out of all funds held in the Registry of the Court like the one presently used by Mr. Steve Davis of your trust department." You contend that you may withhold this information pursuant to section 2(a)(H) of V.T.C.S. article 6252-17a, now section 552.003(b) of the Government Code, as judicial records, and alternately, because it is excepted from required public disclosure by section 3(a)(1) of V.T.C.S. article 6252-17a, now section 552.101 of the Government Code.

The Texas Open Records Act makes all information in the possession of "governmental bodies" available to the public, with certain enumerated exceptions. Gov't Code § 552.021(a). Section 552.003(b) of the Government Code states that "governmental body" does not include the judiciary. Thus, documents in the possession of the judiciary are not subject to the Open Records Act. Therefore, the Open Records Act does not authorize information held by the judiciary to be withheld nor does it require information to be disclosed. Rather, it leaves unchanged the status of the judicial branch of

¹We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts. 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47.

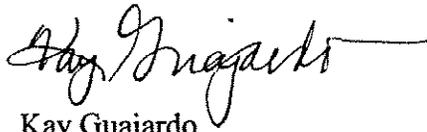
government with respect to the disclosure of information held by it. Attorney General Opinion H-826 (1974).

This office determined in informal letter ruling OR# 92-315 that the computer print-out of uninvested trust account funds in a district court is a record of the judiciary, and is not subject to the Open Records Act. *See also* Attorney General Opinion No. DM-166 (1992). However, while not subject to the Open Records Act, judicial records are nevertheless subject to common-law and statutory rights of inspection. *See* Attorney General Opinion No. DM-166 (1992), *Ashpole v. Millard*, 778 S.W.2d 169, 170 (Tex. App.--Houston [1st Dist.] 1989, no writ).

The requestor here states that he seeks the information pursuant to Rule 76a of the Texas Rules of Civil Procedure. Rule 76a, which pertains to the procedures for sealing court records in civil cases, provides that court records, as defined in the rule, are presumed to be open to the public. Tex. R. Civ. P. 76a § 1; *See* Attorney General Opinion No. DM-166 (1992). The rule also states that access to judicial records not defined as court records by rule 76a remains governed by existing law. Tex. R. Civ. P. 76a § 9. Thus, the requestor's right of access to the requested information must be determined pursuant to rule 76a.

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 contact this office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 21877

Enclosures: Submitted documents

cc: Mr. Richard B. Eason
UCM
P.O. Box 577
Burleson, Texas 76097
(w/o enclosures)