



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 6, 1995

Ms. Hala L. Carey
Vial, Hamilton, Koch & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201-4605

OR95-1360

Dear Ms. Carey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35738.

The Town of Flower Mound (the "town") received a request for written complaints or citations filed against a named individual. You indicate that the town already released to the requestor certain responsive information the town had filed with the municipal court.¹ However, you submitted to this office as also responsive to the request a complaint application, which you contend is a record of the judiciary and therefore not subject to the Open Records Act. You state that the complaint application at issue is maintained as a record of the town's municipal court.

The Open Records Act applies to information maintained by or for a "governmental body," Gov't Code § 552.021, but the judiciary is expressly excluded from that definition. Gov't Code § 552.003(b). As the complaint appears to be a record of the municipal court, it is not subject to the Open Records Act. Access to the complaint is governed by the common-law right to inspect public records. See Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993), 274 (1981).

¹The Seventy-fourth Legislature significantly amended the Open Records Act effective September 1, 1995. See Act of May 29, 1995, H.B. 1718, 74th Leg., R.S. (codified at Gov't Code Ch. 552). Although we do not address in this decision whether these recent amendments will affect requests for information made on or after September 1, 1995, we note that section 552.022(17) includes as a category of information that is public "information that is also contained in a public court record."

We are resolving this matter with an informal letter ruling rather than with a published open records decision.² In the future, you do not need to ask this office about records of the judiciary, as these are not subject to the Open Records Act. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 35738

Enclosure: Submitted document

cc: Mr. Bobby Gene Morrison
2629 Centenary Drive
Flower Mound, Texas 75021
(w/o enclosure)

²Since the document at issue is not subject to the Open Records Act, we do not address your arguments concerning the applicability of certain exceptions to disclosure under the Open Records Act.