



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 13, 1995

Ms. Tamara Armstrong
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR95-1411

Dear Ms. Armstrong:

You ask for clarification of Open Records Letter No. 95-221 (1995), which was issued by this office April 26, 1995, in response to your request for a determination under the Open Records Act, chapter 552, Government Code. This query was assigned ID# 33572.

You point out that the kind of material at issue in Open Records Letter No. 95-221 (1995), case records of the Travis County Community Supervision and Corrections Department, had been held in a previous open records ruling of this office, Open Records Letter No. 94-393 (1994), to be records of the the judiciary and therefore not subject to the Open Records Act. *See* Gov't Code § 552.003(b). Open Records Letter No. 95-221 (1995), however, treated the material at issue there as subject to the act, although excepted from required disclosure by section 552.101 thereof in conjunction with section 611.002, Health and Safety Code.

We agree that the proper analysis of the material at issue in Open Records Letter No. 95-221 (1995) should have been, as it had been in Open Records Letter No. 94-393 (1994), that such material constituted records of the judiciary and was consequently not subject to the Open Records Act. *See also* Open Records Decision No. 236 (1980) (probation department records are records of judiciary, and not subject to Open Records Act). Open Records Letter No. 95-221 (1995) is overruled.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records.

If you have questions about this ruling, please contact our office.

Yours very truly,



William M. Walker
Assistant Attorney General
Open Government Section

WMW/RHS/rho

Ref: ID# 33572

Enclosure: Submitted document

cc: Mr. Brian Collister
KTBC-TV 7
119 East 10th Street
Austin, Texas 78701
(w/o enclosure)