



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 21, 1995

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

OR95-1580

Dear Ms. Goldstein:

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# 34430.

The Town of Flower Mound (the "town") received a request for the names of individuals who requested to take a defensive driving course. You state that the requestor has indicated to you that he is also seeking the addresses and anticipated completion dates of individuals who requested a defensive driving course. You assert that the information is in municipal court records.

The Open Records Act does not apply to records of the judiciary. Gov't Code § 552.003(b). The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Open Records Decision No. 25 (1974). Thus, the requested information is not subject to public disclosure under chapter 552 of the Government Code. However, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993). Additionally, the records may be subject to disclosure under statutory law governing municipal courts. *See* Open Records Decision No. 274 (1981) (holding that municipal courts are not subject to Open Records Act, but traffic citations held by municipal court were nevertheless public information under other laws giving municipal court clerks same duties as county clerks); *see also* Gov't Code § 30.488(a) (municipal court clerks shall perform duties prescribed by law for county clerk of county court at law); *Loc. Gov't Code* § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order).

We note also that chapter 552 does not require a governmental body to compile new information or to provide information not in its possession in order to comply with an open records request. Open Records Decision Nos. 561 (1990) at 9 (city does not have to obtain new information), 362 (1983) at 2 (city does not have to supply information that does not exist). However, if the town maintains requested information, it must provide that information to the requestor.

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 should not be relied upon as a previous determination regarding any other records. 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# 34430

Enclosures: Submitted document

cc: Mr. Bill Burgan  
Car Control  
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(w/o enclosures)