



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 17, 1996

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

OR96-0041

Dear Ms. Barnes:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 30359.

The District Clerk of Harris County, on whose behalf you request an open records decision, received a written request for certain information pertaining to trust fund accounts. Specifically, the requestor seeks:

1. A report listing the names, addresses, cause number, and amount held, of all amounts being held by the District Clerk pursuant to district court order as minor trust funds.
2. A report listing the names, cause numbers, and amounts held, in all other cases where there are funds being held which have been paid into any district court of Harris County, whether held in the court registry, the general fund, or elsewhere.

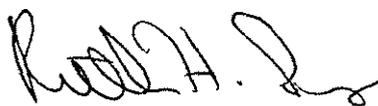
You contend that this information¹ is either not subject to the provisions of the Open Records Act, pursuant to section 552.003(b), as records of the judiciary, or alternatively, that the information is protected from public disclosure by common-law privacy.

¹The requestor has informed this office that any request for additional information has been withdrawn.

In prior rulings to Harris County, this office has addressed the public nature of this type of information. For example, in Open Records Letter No. 93-764 (1993) (copy enclosed), this office concluded that although trust fund account information held by the district clerk constituted records of the judiciary, and thus was not subject to the provisions of the Open Records Act, these records were nevertheless subject to common-law and statutory rights of access. Similarly, in Open Records Letter No. 94-319 (1994) (copy enclosed), this office concluded that when trust fund account information has been transferred from the district or county clerk to the county auditor, the county holds these records in its own right, not as an agent for the county clerk and district clerk, and accordingly the records are not records of the judiciary. Both Open Records Letter Nos. 94-319 (1994) and 93-764 (1993) concluded that none of the information pertaining to the trust fund accounts comes under the protection of common-law privacy. *See also* Loc. Gov't Code § 117.123 (yearly audit of registry funds "open to inspection by any interested person or persons").

Open Records Letter Nos. 94-319 (1994) and 93-764 (1993) govern this request. The county therefore must act in accordance with those previous rulings. 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/RWP/rho

Ref.: ID# 30359

Enclosures: Open Records Letter No. 94-319
Open Records Letter No. 93-764
Submitted documents

cc: Mr. Joseph A. McDermott, III
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