



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1997

Ms. Allison Chitsey
Assistant District Attorney
Tom Green County Courthouse
San Angelo, Texas 76903

OR97-2062

Dear Ms. Chitsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108831.

The Tom Green County District Attorney's Office (the "district attorney") received a request for the following:

- 1) any transcripts [sic] which were kept by the court with regards to the Grand Jury of October 3, 1996.
- 2) a copy or written explanation of the instructions given to that Grand Jury
- 3) name of individual or individuals who instructed and/or supervised the Grand Jury.
- 4) documentation of how and why the Grand Jury arrived at the conclusion of "no bill."

You assert that the requested information is excepted from disclosure under section 552.101 in conjunction with Article 20.02 of the Code of Criminal Procedure.

Section 552.101 of the Government Code excepts from disclosure information that is confidential by law, including information made confidential by statute. Article 20.02(a) of the Code of Criminal Procedure states that "[t]he proceedings of the grand jury shall be secret." Thus, information that reveals the proceedings of the Tom Green County Grand Jury is confidential under article 20.02(a) of the Code of Criminal Procedure and excepted from disclosure under section

552.101 of the Government Code. Additionally, in Open Records Decision No. 513 (1988), this office concluded that grand juries are not subject to chapter 552 and that records within the constructive possession of grand juries are not public information subject to disclosure under chapter 552. *See Gov't Code § 552.003.* Based upon these considerations, we conclude that the district attorney must not release the requested information.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 108831

Enclosures: Submitted documents

cc: Mr. Lupe Picon
RFD 2
Ballinger, Texas 76821
(w/o enclosures)