



March 29, 1999

Mr. Robert J. Gervais  
Assistant City Attorney  
City of Galveston  
P.O. Box 779  
Galveston, Texas 77553-0779

OR99-0871

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 123109.

The City Attorney's Office (the "city") received a request for production and a request for the city to answer a first set of interrogatories concerning a specific traffic citation. You assert that the city does not have to answer questions. We agree that the Open Records Act does not require a governmental entity to perform legal research or to answer general questions. Open Records Decision No. 563 at 8 (1990). Thus, you do not have to answer the interrogatories or produce information that does not exist. To the extent the requestor asks for information that actually exists, you assert that section 552.108 is applicable. However, the information<sup>1</sup> you submitted includes ordinances and statutes which are public and may not be withheld from disclosure. *See* Gov't Code § 552.002, .027; Open Records Decision No. 551 at 2-3 (1990).

You represent that "the citations are turned in by the police officers to the Municipal Court and are maintained by the Court. Each Municipal Court file contains the actual citation issued by the police officer involved." The Open Records Act does not apply to records of the judiciary. Gov't Code § 552.003(B). The requested information includes municipal court citations. The submitted information is a record held by the judiciary. The requested records are maintained solely by the municipal court, and you need not release them

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<sup>1</sup> We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

under the Open Records Act. Attorney General Opinion DM-166 (1992). As records of the judiciary, however, the information may be public by other sources of law. Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974). Additionally, the records may be subject to disclosure under statutory law governing municipal courts. See Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Local 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 conclude that these are records of the judiciary.

Because we are able to make a determination under section 552.101, we need not address your other claimed exception. 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.

Sincerely,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 123109

Enclosures: Submitted documents

cc: Mr. Stephen Hodgson  
1803 27<sup>th</sup> Street  
Galveston, Texas 77550  
(w/o enclosures)