



July 27, 1999

Ms. Moira Parro  
Assistant District Attorney  
Dallas County District Attorney's Office  
Civil Section  
411 Elm Street  
Dallas, Texas 75202

OR99-2109

Dear Ms. Parro:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126139.

The Dallas County District Clerk's Office (the "District Clerk"), on whose behalf you request an open records decision, received a written request for certain information pertaining to the trust accounts maintained by the District Clerk. Specifically, the requestor seeks "to review and/or inspect 'Unclaimed' Trust Accounts that have matured and are held in trust with Dallas County." In response to the request, you submit to this office for review a representative sample of the records at issue.<sup>1</sup> You contend that the requested records are either records of the judiciary, and thus not subject to the provisions of the Public Information Act pursuant to section 552.003(b) of the Government Code, or alternatively, that the information is protected from public disclosure by common-law privacy and therefore excepted from required public disclosure pursuant to section 552.101 of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information.

In your brief to this office, you explain that "[t]he funds held in trust by the clerk came about through private litigation and were placed in the court registry pursuant to court order." We note that this office has previously addressed the public nature of this type of information in prior rulings to Harris County. In Open Records Letter No. 96-0976 (1996), this office concluded that

It is well established that records of the judiciary, of which the district court is a part, are not subject to the act. *See* Gov't Code § 552.003(1)(B); Open

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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).

Records Decision No. 535 (1989). Accordingly, the requested information is not available *under the Public Information Act*. [Footnote omitted; emphasis added.]

We further note that this office has issued several other open records rulings to Harris County regarding these types of records when held by a district clerk's office. For example, in Open Records Letter No. 93-764 (1993), this office concluded that although trust fund account information held by the district clerk in the court's registry constituted records of the judiciary, and thus was not subject to the provisions of the Public Information Act, these records were nevertheless subject to common-law and statutory rights of access. *See also* Loc. Gov't Code § 117.123 (yearly audit of registry funds "open to inspection by any interested person or persons"). Additionally, in Open Records Letter No. 94-319 (1994), this office concluded that the information contained in the registry does not come within the protection of common-law privacy because of the legitimate public interest in this information. *See also Star Telegram v. Walker*, 834 S.W.2d 54 (1992) (no privacy interest in information contained in public court records).

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,

  
Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 126139

encl: Submitted document

cc: Mr. Patrick Kinnard  
2723 Lovers Lane  
Dallas, Texas 75225  
(w/o enclosures)