



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

December 9, 2004

Mr. Joel K.B. Winful  
Dallas County District Attorney  
Civil Division  
Fifth Floor  
411 Elm Street  
Dallas, Texas 75202

OR2004-10470

Dear Mr. Winful:

You ask 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# 213483.

The Dallas County Sheriff's Office (the "sheriff") received two requests for information regarding bail bonds. You claim that the requested information constitutes records of the judiciary and is, therefore, not subject to the Act. We have considered your arguments and reviewed the submitted information.<sup>1</sup> We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

We note that the Act only applies to information that is "collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." Gov't Code § 552.002(a)(1). We also note that the Act does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). Information that is "collected, assembled or maintained by or for the judiciary" is not subject to the Act. Gov't Code

---

<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.

§ 552.0035(a); *see also* Tex. Sup. Ct. R. 12. Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). *But see Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ); Open Records Decision No. 646 (1996) at 4 (“function that a governmental entity performs determines whether the entity falls within the judiciary exception to the . . . Act.”).

In Open Records Decision No. 646 (1996), this office concluded that a supervision and corrections department, established by criminal district judges under chapter 76 of the Government Code, was a governmental body subject to the Act, and not a part of the judiciary. Open Records Decision No. 646 at 3-4 (1996). The Attorney General concluded that administrative records, such as personnel files and other records reflecting the day-to-day management of the department, were subject to the Act. *Id.* at 5. On the other hand, this office concluded that specific records pertaining to judicial proceedings, such as information about individuals on probation and subject to the direct supervision of a court, were not subject to the Act because such records were held on behalf of the judiciary. *Id.*

You inform this office that the requested “BN10 Bond Forfeiture Screen” displays judicial records of bond forfeiture proceedings contained in a database maintained by the county and district clerk. You state that the sheriff is able to view the BN10 data screen, but this judicial records computer screen “is not provided as a report.” You also inform us that the BN10 screen “is available for public viewing on [the Dallas] County computer terminal during normal business hours.”<sup>2</sup> Thus, we understand you to indicate that the database displayed on the BN10 screen is maintained by the clerk for the judiciary. Therefore, we conclude that the requested “BN10 Bond Forfeiture Screen” is information collected, assembled, or maintained by or for the judiciary. Consequently, the public availability of this information is not governed by the Act and is instead governed by “rules adopted by the Supreme Court of Texas or by other applicable law and rules” pertaining to information “collected, assembled, or maintained by or for the judiciary.” *See* Gov’t Code § 552.0035(a), Open Records Open Records Decision No. 671 (1992).

- You also claim that the requested weekly bond print out reports and the bond account status reports are records of the judiciary. You state that the requested reports “are derived from the Dallas County Court Records Information System, a database of the county’s criminal records, including records” held by the district and county clerks, and “made available to the sheriff, district attorney and county commissioners.” You do not contend that the sheriff is acting as an agent of the judiciary in maintaining these reports. Rather, it appears that the sheriff collects and maintains these reports in connection with the transaction of official business of the sheriff. Thus, in the hands of the sheriff, the reports are public information and are therefore subject to public disclosure under the Act. *See* Gov’t Code §

---

<sup>2</sup>Texas courts have long recognized a common law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 at 2-3 (1992) (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision Nos. 618 (1993), 25 (1974).

552.002(a)(1). Because you do not raise any exceptions to disclosure of this information, you must release the weekly bond print out reports and the bond account status reports to the requestor.

In summary, the "BN10 Bond Forfeiture Screen" comprises records of the judiciary, the public availability of which is governed by "rules adopted by the Supreme Court of Texas or by other applicable law and rules." The requested reports are public information and must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877)673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

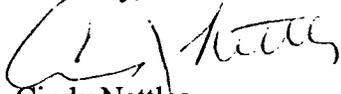
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be

sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512)475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/jh

Ref: ID# 213483  
Enc. Submitted documents

c: Mr. Paul Adrian  
Fox 4 News  
400 North Griffin Street  
Dallas, Texas 76202  
(w/o enclosures)

Mr. Joe Ellis  
KDFW  
400 North Griffin Street  
Dallas, Texas 76202  
(w/o enclosures)