



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 17, 2006

Ms. Patricia E. Carls
City Attorney
City of Georgetown
106 East Sixth Street, Suite 550
Austin, Texas 78701

OR2006-07620

Dear Ms. Carls:

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# 254218.

The Georgetown Municipal Court (the "court") received a request for twenty two categories of information pertaining to the Georgetown Police Department's procedures regarding the use of speed ascertaining devices and video equipment. You state that some information has been released, but claim that the most of the requests are not requests for public information as defined by the Act. Additionally, you claim that the submitted information is excepted from disclosure under sections 552.103, 552.107, and 552.108 of the Government Code. We have considered your arguments.

We note that the Act does not apply to the judiciary. *See* Gov't Code § 552.003(1)(B) ("governmental body" does not include the judiciary). Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). Because the request for information in this instance was received by the court, any responsive information is not subject to the Act, and we need not address your arguments against disclosure. *See* Gov't Code § 552.003(1)(B). We note, however, that as records of the judiciary, such responsive information may be made public by other sources of law. *See* Attorney General Opinions DM-166 at 2-3 (1992) (public has general right to inspect and copy judicial records), H-826 (1976); *see also* Open Records Decision No. 25 (1974); *Star*

Telegram, Inc. v. Walker, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released). Additionally, such responsive information may be subject to disclosure under statutory law that governs municipal courts. See Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); see also *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Tex. Sup. Ct. R. 12.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Office of the Attorney General 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. 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,

A handwritten signature in black ink, appearing to read 'José Vela III'. The signature is stylized with a large initial 'J' and 'V'.

José Vela III
Assistant Attorney General
Open Records Division

JV/eb

Ref: ID# 254218

Enc. Submitted documents

c: Ms. Ginger Gilchrist
1404 Old Mill Road
Cedar Park, Texas 78613
(w/o enclosures)