



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 16, 2009

Mr. Ben L. Stool
Assistant District Attorney
Dallas County District Attorney's Office, Civil Division
411 Elm Street, 5th Floor
Dallas, Texas 75202-3384

OR2009-03426

Dear Mr. Stool:

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# 337382.

Dallas County (the "county") received a request for information pertaining to outstanding monies, unclaimed funds, and uncashed checks in the possession of the county. You state that responsive records maintained by the county treasurer have been released. You claim that the information in possession of the county clerk, a sample of which you have submitted as Exhibit D, is not subject to the Act. Alternatively, you claim that Exhibit D is excepted from disclosure under sections 552.101 and 552.136 of the Government Code. We have considered your arguments and reviewed the submitted information.¹

The Act 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). However, a "governmental body" under the Act "does not include the judiciary." *Id.* § 552.003(1)(B). Information that is "collected, assembled or

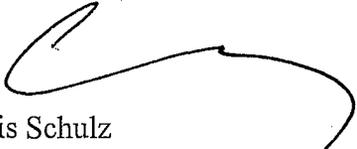
¹ We assume that the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other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

maintained by . . . the judiciary” is not subject to the Act but is instead “governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules.” *Id.* § 552.0035(a); *cf.* Open Records Decision No. 131 (1976) (applying statutory predecessor to judiciary exclusion under section 552.003(1)(B) prior to enactment of section 552.0035). In this instance, you explain that Exhibit D is maintained by the county clerk as an agent of the judiciary. *See* Open Records Decision No. 646 (1996) (function governmental entity performs determines whether it falls within judiciary exception to the Act); *see also* Open Records Decision No. 236 (1980). Based on this representation, we find that Exhibit D is not subject to the Act and need not be released to the requestor. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,


Chris Schulz
Assistant Attorney General
Open Records Division

CS/cc

Ref: ID# 337382

Enc. Submitted documents

cc: Requestor
(w/o enclosures)