



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 1, 2009

Mr. Loren B. Smith
Attorney for City of Tomball
Olson & Olson, L.L.P.
Wotham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

OR2009-04200

Dear Mr. Smith:

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# 340715.

The City of Tomball (the "city"), which you represent, received a request for the city's Ticket Entry List. You claim that the requested information is not public information subject to required disclosure under the Act. We have considered your argument.

You state that the responsive information is maintained by the municipal court. Section 552.003(b) of the Government Code excludes the judiciary from the Act. Therefore, the Act neither authorizes information held by the judiciary to be withheld nor requires that it be disclosed. *See* Open Records Decision No. 25 (1974). You explain the "information requested is held exclusively by the Tomball Municipal Court." Accordingly, the information at issue is not subject to public disclosure under the Act and need not be released to the requestor.¹ *See* Gov't Code § 552.0035 (access to information maintained by or for

¹We note that records of the judiciary may be public under other sources of law. *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); Loc. 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); *see also 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); 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).

judiciary is governed by rules adopted by supreme court); Tex. R. Jud. Admin. 12 (public access to judicial records).

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,



Travis Tidmore
Assistant Attorney General
Open Records Division

TT/rl

Ref: ID# 340715

cc: Requestor