



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

November 30, 2009

Ms. Kathleen Cline
Director of Operations
Bexar County Community Supervision and Corrections Department
601 Dolorosa
San Antonio, Texas 78207-4588

OR2009-16797

Dear Ms. Cline:

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# 362635.

The Bexar County Community Supervision and Corrections Department (the "department") received a request for information pertaining to a named probationer and details about his probation. You claim the submitted information is not subject to the Act. We have considered your argument and reviewed the submitted information.

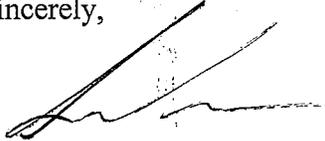
You claim the submitted information is not subject to the Act because it is being held on behalf of the judiciary. The Act generally requires the disclosure of information maintained by a "governmental body." *See* Gov't Code § 552.021. While the Act's definition of a "governmental body" is broad, it specifically excludes "the judiciary." *See id.* § 552.003(1) (A), (B). In Open Records Decision No. 646 (1996), this office determined that a community supervision and corrections department is a governmental body for purposes of the Act, and that its administrative records, such as personnel records and other records reflecting day-to-day management decisions, are subject to the Act. ORD 646 at 5. On the other hand, we also ruled that specific records regarding individuals on probation and subject to the direct supervision of a court that are held by a community supervision and corrections department are not subject to the Act because such records are held on behalf of the judiciary. *Id.*; *see* Gov't Code § 552.003.

You state the submitted information is contained in the probationer's file. Based on your representations and our review, we find the submitted information constitutes records held by the department on behalf of the judiciary and is not subject to disclosure under the Act. See ORD 646 at 2-3; *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ) (in determining whether governmental entity falls within judiciary exception, this office looks to whether governmental entity maintains relevant records as agent of judiciary with regard to judicial, as opposed to administrative, functions).

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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 362635

Enc. Submitted documents

c: Requestor
(w/o enclosures)