



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 23, 2010

Mr. J. Kevin Dutton  
District Attorney  
Sabine and San Augustine Counties  
P.O. Box 714  
San Augustine, Texas 75972

OR2010-05806

Dear Mr. Dutton:

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# 377285.

The Sabine County District Clerk's Office (the "clerk") received a request for the most recent bank statements for all accounts maintained by the clerk. You state you have released the bank records concerning the clerk's general account. You claim the remaining requested information is not subject to the Act. We have reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

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 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). You state the submitted information "reflect[s] moneys that are placed in the registry of the Court." You indicate the submitted information is held by the clerk on behalf 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). Therefore, we find the submitted information consists of records of the judiciary, and thus is not subject to the Act. Accordingly, the clerk need not release the requested information under the Act in response to the present request.<sup>1</sup>

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](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,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/jb

Ref: ID# 377285

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>We note records of the judiciary may be public under other sources of law. *See* Tex. R. Jud. Admin. 12 (public access to judicial records); 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); 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).