



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2012

Mr. James A. McKechnie
Assistant City Attorney
City of Wichita Falls
P.O. Box 1431
Wichita Falls, Texas 76307

OR2012-14096A

Dear Mr. McKechnie:

This ruling examines Open Records Letter No. 2012-14096 (2012) and whether certain information is subject to required public disclosure under chapter 552 of the Government Code.

The City of Wichita Falls (the "city") received a request for the photo evidence of a water violation occurring on July 18, 2012. In the city's original request for a decision in this matter, City ID# 419, this office concluded the city may withhold the information under section 552.108(a)(1) of the Government Code. We have re-examined our ruling in Open Records Letter No. 2012-14096 and determined we made an error. Where this office determines an error was made in the decision process under sections 552.301 and 552.306, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on September 6, 2012.

The city states its municipal court (the "court") maintains the requested information. Although the Public Information Act (the "Act") is applicable to information "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), the Act's definition of "governmental body" "does not include the judiciary." *Id.* § 552.003(1)(B). Information "collected, assembled, or maintained by or for the judiciary" is not subject to the Act but instead is "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 Gov't Code § 552.003(1)(B) prior to enactment of Gov't Code § 552.0035). Therefore, based on the city's representation that the court maintains the information at issue, we conclude the information is not subject to the Act and need not be released in response to this request for information. Open Records Letter No. 2012-14096 is overruled to the extent it conflicts with this ruling.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/som

Ref: ID# 469389

c: Requestor