



February 20, 2015

Ms. Elizabeth Lutton
Legal Advisor
County of Dallas
Dallas County Sheriff's Office
133 North Riverfront Boulevard, LB-31
Dallas, Texas 75207-4313

OR2015-03401

Dear Ms. Lutton:

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# 554915.

The Dallas County Sheriff's Office (the "sheriff's office") received a request for six categories of information pertaining to individuals detained by the sheriff's office as a result of immigration detainers issued by United States Immigration and Customs Enforcement. You state the sheriff's office has no information responsive to a portion of the request.¹ You claim the submitted information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.²

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

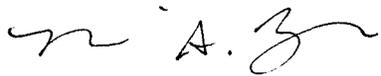
²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

You argue the submitted information is contained in the Adult Information System (the "AIS") and, thus, consists of judicial records not subject to the Act. The Act applies only to information "written, produced, 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, 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). You state the AIS is an electronic computer database maintained by the sheriff's office on behalf of the Dallas County (the "county") judiciary regarding criminal offenses and offenders in the county, and the database includes immigration detainer information. You indicate the submitted information is maintained by the sheriff's office to assist the county judiciary in the tracking of criminal cases and criminal defendants. Based on your representations, we conclude the submitted information is information collected, assembled, or maintained by or for the judiciary. Thus, the submitted information is not subject to the Act and need not be released under the Act.³

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/cbz

³As our ruling is dispositive, we need not address your argument against disclosure.

Ref: ID# 554915

Enc. Submitted documents

c: Requestor
(w/o enclosures)