



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 12, 2015

Ms. Elizabeth Hanshaw Winn
Assistant County Attorney
Transactions Division
Travis County
P.O. Box 1748
Austin, Texas 78767-1748

OR2015-04761

Dear Ms. Winn:

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# 555967.

The Travis County Auditor's Office (the "auditor's office") received a request for specified vouchers submitted by eight named attorneys appointed to represent indigent clients during a specified period of time. You claim the requested information either consists of judicial records not subject to release under the Act or is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.¹ 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).

Section 552.002(a) of the Government Code defines "public information" as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
 - (A) owns the information;
 - (B) has a right of access to the information; or
 - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Gov't Code § 552.002(a). 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; TEX. R. JUD. ADMIN. 12 (public access to judicial records). Consequently, records of the judiciary need not be released under the Act. *See* Attorney General Opinion DM-166 (1992). In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ), the court explained the purpose of the judiciary exception as follows:

The judiciary exception ... is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

Id. at 152. The court in *Benavides* found the Webb County Juvenile Board not to be a part of the judiciary. In so finding, the court reasoned that an analysis of the judiciary exception should focus on the governmental body itself and the kind of information requested. *See id.* at 151; *see also* Open Records Decision No. 572 (1990). This office has found that to fall under the judiciary exclusion, requested records must contain information that pertains to judicial proceedings and be subject to direct supervision of a court. Open Records Decision No. 671 (2001) (citing Open Records Decision No. 646 at 5 (1996)). In ORD 671, this office found that the Ellis County Office of Court Administration was an agent of the judiciary, and information created for this office relating to judicial proceedings consisted of information collected, assembled, or maintained for the judiciary, and thus was not public information under the Act. *See* ORD 671 at 3.

You explain the submitted information was forwarded to the auditor's office at the direction of the Travis County Criminal Court Administration (the "TCCCA"), an agent of the judiciary, to assist in the payment of court-appointed attorneys. You further explain the

information was provided to the TCCCA by attorneys who were appointed to represent indigent defendants and used by the auditor's office to pay the attorneys for services rendered at the direction of the judiciary. Accordingly, you assert the submitted information was collected and is maintained by the judiciary. Based on your representations and our review, we conclude the requested information consists of judicial records, and we understand these records are held by the auditor's office acting as an agent of the judiciary. Thus, the submitted information is not subject to the Act and the auditor's office is not required to release it in response to the request for information.²

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/bhf

Ref: ID# 555967

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

²As our ruling is dispositive, we do not address your other arguments to withhold this information.