



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2015

Ms. Ashley D. Fourt
Assistant Criminal District Attorney
County of Tarrant
401 West Belknap
Fort Worth, Texas 76196

OR2015-16922

Dear Ms. Fourt:

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# 575579.

The Tarrant County Justice of the Peace, Precinct Four (the "justice of the peace") received a request for e-mails sent or received by a named judge during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.101, 552.107, 552.109, 552.111, 552.117, 552.130, 552.136, 552.137, 552.147, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested persons may submit written comments to this office stating why information should or should not be released).

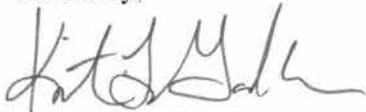
The Act is applicable to information "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." *Id.* § 552.002(a)(1). However, the Act's definition of "governmental body" does not include the judiciary. *Id.* § 552.003(1)(B). Information "written, produced, 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 Government Code section 552.003(1)(B) prior to enactment of Government Code section 552.0035). Therefore, the Act neither authorizes information held by the judiciary to be withheld, nor does it require such information be disclosed. *See* Open Records Decision No. 25 (1974). The instant request

was addressed to the justice of the peace. Thus, the instant request is for information maintained by the justice of the peace. Accordingly, we conclude the requested information is not subject to the Act and the justice of the peace is not required to release it in response to this request for information.¹ As we are able to make this determination, we need not address the justice of the peace's arguments against disclosure of the requested information.

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,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLK/cz

Ref: ID# 575579

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note records of the judiciary also may be public under other sources of law. See Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk), (f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Local 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); see also *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released); 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).