



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 22, 2016

Ms. Laura Anne Coats
Assistant District Attorney
Dallas County Criminal District Attorney's Office
133 North Riverfront Boulevard, LB-19
Dallas, Texas 75207-4399

OR2016-16613

Dear Ms. Coats:

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# 619568.

The Dallas County District Attorney's Office (the "district attorney's office") received a request for thirteen categories of information pertaining to a specified case. The district attorney's office claims the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130 of the Government Code. We have considered the exceptions the district attorney's office claims and reviewed the submitted information.

Initially, you state some of the submitted information, which you have indicated, consists of information relating to the grand jury and grand jury testimony. The judiciary is expressly excluded from the requirements of the Act. Gov't Code § 552.003(1)(B). This office has determined for purposes of the Act, a grand jury is a part of the judiciary, and therefore, not subject to the Act. *See* Open Records Decision No. 411 (1984). Further, records kept by a governmental body that is acting as an agent for a grand jury are considered records in the constructive possession of the grand jury, and are also not subject to the Act. *See* Open Records Decisions Nos. 513 (1988), 411, 398 (1983). Thus, to the extent the district attorney's office holds the information you have indicated as an agent of the grand jury, such information consists of records of the judiciary that are not subject to disclosure under the Act. Thus, the district attorney's office is not required to release that information in response to the instant request. To the extent the district attorney's office does not hold the information at issue as an agent of the grand jury, we will address the district attorney's office's arguments against its disclosure.

Section 552.108(a)(2) of the Government Code excepts from disclosure information dealing with the detection, investigation, or prosecution of crime only in relation to an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). The district attorney's office states the submitted information relates to a concluded case that did not result in a conviction or deferred adjudication. Based on the district attorney's office's representation, we conclude section 552.108(a)(2) is applicable to the information at issue. Thus, the district attorney's office may withhold the submitted information under section 552.108(a)(2) of the Government Code.¹

In summary, to the extent the district attorney's office holds the information you have indicated as an agent of the grand jury, such information consists of a record of the judiciary that is not subject to disclosure under the Act. The district attorney's office may withhold the submitted information under section 552.108(a)(2) of the Government Code.

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,



Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/bw

¹As our ruling is dispositive, we need not address the district attorney's office's remaining arguments against disclosure.

Ref: ID# 619568

Enc. Submitted documents

c: Requestor
(w/o enclosures)