



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2016

Ms. Carah-Beth Bass
Counsel for County of Victoria
Allison, Bass & Magee, L.L.P.
402 West 12th Street
Austin, Texas 78701

OR2016-20355

Dear Ms. Bass:

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# 625793.

The Victoria County Pre-Trial Services Coordinator (the "county"), which you represent, received a request for 1) records pertaining to personal bond fees; 2) records pertaining to the county's deposit of personal bond fees into the county's treasury; and 3) certain other specified records prepared, updated, file, or submitted by the county. The county claims the submitted information is not subject to the Act. Alternatively, the county claims some of the submitted information is excepted from disclosure under section 552.136 of the Government Code.¹ We have considered the county's arguments and reviewed the submitted information.

We note 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). 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.*

¹Although the county also raises section 552.101 of the Government Code, the county makes no arguments to support this exception. Therefore, we assume the county has withdrawn its claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

§ 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). The county states the submitted information is maintained for use by the judiciary "to determine which attorneys have been assigned to cases and to keep track of the bonding and defendant information." The county further states judges access these documents to determine attorney assignments, eligibility of defendants for personal bonds, and to make determinations regarding the release of individuals from custody. The county informs us it is acting as an arm of the judiciary when it creates the information at issue. Thus, based on these representations and our review of the information, we conclude the submitted information is not subject to the Act and need not be released in response to this 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 625793

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address the county's remaining arguments.