

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 16-023

RESPONDENT: Collin County Justice Courts

DATE: March 8, 2017

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge David Peebles; Judge Missy Medary; Judge Dean Rucker; Judge David L. Evans

Petitioner requested from the Collin County Clerk “continual daily FTP downloads of information from the Collin County IT Department and/or the County Clerk’s office” of “eviction filings and their associated judgments within Collin County.” The request was forwarded to the Collin County Justice Courts, the entities that maintain the requested records. The administrative judge for the justice courts informed Petitioner that they would not be able to provide the requested downloads but that the requested information was available from public access terminals. Petitioner then filed this appeal.

A “judicial record” subject to Rule 12 is one that is “made or maintained by or for a court or judicial agency in its regular course of business *but not pertaining to its adjudicative function*, regardless of whether that function relates to a specific case. *A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record.*” (Emphasis added.) Rule 12.2(d).

Petitioner asked for information regarding eviction filings and judgments in Collin County. These records are related to specific cases filed in the county. Accordingly, the records requested by Petitioner are not a “judicial records” as defined by Rule 12.2(d) and are not subject to Rule 12. *See* Rule 12 Decisions Nos. 00-001, 03-005, 11-004, 15-006, and 16-013.

Because the records at issue are not judicial records under Rule 12, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.¹

¹ We note, however, that case records or court records which are not “judicial records” within the meaning of Rule 12 may be open pursuant to other law such as the common-law right to public access. *See* Rule 12 Decisions 00-001 and 00-003. We also note that the primary significance of a decision finding that a record is not subject to Rule 12 is that the Rule 12 procedures for responding to requests and appealing the denial of requests do not apply. Neither the fact that a record is not subject to Rule 12 nor a decision making this determination should be used as a basis for withholding records.