

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 13-001

RESPONDENT: City of Houston Municipal Courts

DATE: August 20, 2013

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard; Judge David Peebles; Judge Jeff Walker; Judge Kelly G. Moore

Petitioner requested from Respondent “an electronic copy of the citations and dispositions (public information only) for all cases in the past 10 years.” Respondent worked with Petitioner to clarify the parameters of the request, provided a cost estimate and informed Petitioner that some fields of sensitive information would be redacted, including dates of birth. Petitioner objected to Respondent’s denial of access to dates of birth and filed this appeal.

The threshold issue in a Rule 12 appeal is whether the requested records are “judicial records,” which are defined by Rule 12.2(d) as follows:

“Judicial record means a record 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.)

Petitioner has requested citations and dispositions related to the City of Houston Municipal Courts’ case records. These records pertain to the City of Houston Municipal Courts’ adjudicative function; therefore, they are not “judicial records” as defined by Rule 12.2(d) and they are not subject to Rule 12. *See* Rule 12 Decision Nos. 03-004 and 02-005.

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 information.