

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 01-001

RESPONDENT: Jim Sinclair

DATE: May 31, 2001

SPECIAL COMMITTEE: Judge B. B. Schraub, Chairman; Judge Darrell Hester; Judge John Ovard; Judge Stephen Ables; Judge Dean Rucker

The applicant is a reporter who has requested but has not received the following information from the Tarrant County Community Supervision and Corrections Department (“the Department”):

1. Copies of all grievances filed by probationers at the Tarrant Community Correctional Facility (“the Facility”) in Mansfield in 1999 and 2000;
2. Copies of all monitoring reports pertaining to the Facility completed and/or received by the Department in 1999 and 2000;
3. Copies of electronic and/or written communications between the Department and officials of Correctional Services Corporation in 1999 and 2000.

All of the records requested are records of the judiciary, and are not subject to the Public Information Act. *See* Rule 12 Decision 00-003 (April 26, 2000). The Department is not a governmental body within the definition of Government Code §552.003(1), and accordingly is not required to request a determination from the attorney general under Government Code §552.301. The request does not seek names and addresses of all probationers, but seeks records made or maintained by a judicial agency in its regular course of business but not pertaining to its adjudicative function. Thus, the records sought are judicial records within the definition of Rule 12.2(d) of the Rules of Judicial Administration.

The petitioner’s original request was dated February 16, 2001. The denial of access was contained in a letter faxed from respondent to petitioner on March 2, 2001; that letter properly stated that the request was subject to Rule 12, gave the information required by Rule 12.9, and stated that an appeal must be filed within 30 days. The petition for review was not filed with the Office of Court Administration until April 6, 2001, which was after the 30-day period. Although respondent has alleged that the appeal was untimely, applicant has not claimed that it was timely. Accordingly, the relief requested is denied because the appeal was not filed within 30 days after the date the petitioner received notice of denial of access.