

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 19-008

RESPONDENT: Justice of the Peace, Precinct 1, Montgomery County

DATE: August 15, 2019

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Billy Ray Stubblefield; Judge Sid Harle; Judge Missy Medary; Judge Dean Rucker

Petitioner requested emails and correspondence between Respondent and certain members of the public and emails related to Ramadan sent or received during a specified time period. Respondent denied the request noting that the responsive records were exempt from disclosure because they “reflect a judicial officer’s appointments or engagements that are in the future or that constitute an invasion of personal privacy.”¹ Petitioner then filed this appeal.

We have reviewed the responsive documents provided to us by Respondent and agree that the emails contain information related to a judicial officer’s future appointments or engagements. Additionally, some of the responsive emails appear to discuss one of the correspondent’s family members and its disclosure would constitute a clearly unwarranted invasion of privacy. However, a record is not exempt in its entirety because portions of it are exempt from disclosure. The proper response is to redact exempt information from the record before providing a copy to the requestor. *See* Rule 12.6(d) and Rule 12 Decision No. 11-009.

Accordingly, Petitioner’s appeal is granted in part and Respondent should provide Petitioner a copy of the responsive emails with all references related to family members and to the time, date, and location of the Respondent’s future engagement redacted.

¹ Respondent also noted that the requestor identified her request as one submitted under Chapter 552 of the Government Code, commonly referred to as the Open Records or Public Information Act, but that the request was construed under Rule 12. Prior Rule 12 decisions have noted that a request for judicial records is not required to state that it is being made pursuant to Rule 12. Rule 12 should be liberally construed to achieve its purpose of providing public access to information in the judiciary consistent with the constitutional mandates of open courts and an independent judiciary. *See* Rule 12 Decision No. 09-001.