

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 10-014

RESPONDENT: Process Server Review Board

DATE: October 6, 2010

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard, Judge Olen Underwood, Judge David Peebles, Judge Jeff Walker

Petitioner submitted to the Supreme Court of Texas (Court) a request for information regarding threats made to the Process Server Review Board (PSRB or Respondent), the Court and its staff, the Office of Court Administration and its staff, and any other person or property. He also requested the response to the threats and the names of law enforcement agencies alerted to the threats. Following a discussion with Court staff, Petitioner narrowed his request to records related to the security measures taken at the December 4, 2009 PSRB meeting. The Court determined that, to the extent any records existed, the PSRB was the records custodian and forwarded the request to the PSRB. The PSRB denied Petitioner's request claiming that the responsive records are exempt from disclosure under Sections 12.5(b) (Security Plans), 12.5(f) (Internal Deliberations on Court or Judicial Administration Matters), and 12.5(i) (Information Confidential Under Other Law) of the Rules of Judicial Administration. Petitioner then filed this appeal.

Respondent submitted the responsive records for our *in camera* review. The first of the three exemptions raised by Respondent is Rule 12.5(b) which reads:

(b) *Security Plans.* Any record, including a security plan or code, the release of which would jeopardize the security of an individual against physical injury or jeopardize information or property against theft, tampering, improper use, illegal disclosure, trespass, unauthorized access, or physical injury.

We have reviewed the records submitted by Petitioner and find that they contain information that, if released, would jeopardize the security of an individual against physical harm. They also contain information and discussions regarding security procedures and plans of the PSRB. Thus, we conclude that the responsive records are exempt from disclosure under Rule 12.5(b). Having determined that Rule 12.5(b) exempts the submitted records, we need not address whether the other exemptions raised by Respondent apply.

Accordingly, the petition is denied.