



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

April 7, 2016

Mr. Adolfo Ruiz  
City Attorney  
McKamie Krueger LLP  
941 Proton Road  
San Antonio, Texas 78258

OR2016-07806

Dear Mr. Ruiz:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 604786.

The City of Forney Police Department (the "department"), which you represent, received two requests for information related to a specified incident, including dash camera video recordings. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you contend the second requestor asks the department to answer questions or prepare new information. The Act does not require a governmental body to answer factual questions, conduct research, or create new information in responding to a request. *See* Gov't Code § 552.227; *see also* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). However, a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990). While the department is not required to create documents that did not exist when it received the second request for information, documents from which the information responsive to the request may be derived are responsive to the request at issue. We note you have only submitted a dash camera video recording for our review. Thus, to the extent any additional information responsive to the second request existed on the date the department received the request, the department must release it at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon

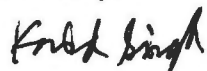
as possible). However, we will consider your arguments against release of the submitted information.

Section 552.108(a)(1) of the Government Code exempts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide documentation from the Dallas County District Attorney’s Office (the “district attorney’s office”) confirming, that the district attorney’s office objects to the release of the submitted information because release would interfere with its pending criminal investigation. Based on these representations, we conclude the release of the submitted information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>1</sup>

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kavid Singh  
Assistant Attorney General  
Open Records Division

KVS/bhf

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<sup>1</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure.

Ref: ID# 604786

Enc. Submitted documents

c: Requestor  
(w/o enclosures)