



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 27, 2017

Ms. Sandy Lane  
City Secretary  
City of Eustace  
P.O. Box 579  
Eustace, Texas 75124

OR2017-24632

Dear Ms. Lane:

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# 682744.

The City of Eustace (the "city") received a request for seventy-eight categories of information related to the employment or elected status of employees or officials of the city, as well as information pertaining to a specified traffic stop. The city states it does not have information responsive to a portion of the request.<sup>1</sup> The submitted documentation reflects the city released information, but made redactions pursuant to section 552.1175 of the Government Code. *See* Gov't Code § 552.1175(f). The requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure. *See id.* § 552.1175(g). We have considered the city's position and reviewed the information.

Initially, we note the city states it has determined additional information existed at the time of the request that is responsive to the request. The city does not raise any exceptions to disclosure of such information. To the extent the city has not released that information, it must do so. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664

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<sup>1</sup>The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

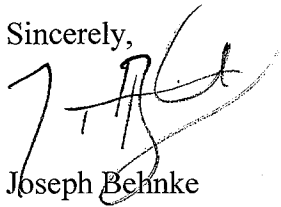
(2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. Gov't Code § 552.1175(b). Upon review, we find you have failed to demonstrate the applicability of section 552.1175 to any of the submitted information. Therefore, the city may not withhold any of the submitted information under section 552.1175. As the city raises no further exceptions to disclosure, the submitted information must be released.

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/gw

Ref: ID# 682744

Enc. Submitted documents

c: Requestor  
(w/o enclosures)