



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 21, 2018

Ms. Sunny Tripp
Assistant City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2018-04051

Dear Ms. Tripp:

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# 695682 (ORR Nos. C009748, C001055, C010307, C010314, C010316 and C010552).

The City of Dallas (the "city") received six requests from four requestors for information pertaining to a specified city project. You state you will release some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note in a letter dated January 17, 2018, the city states it wishes to withdraw its request for an open records decision with regard to ORR No. C010314 because the city has no information responsive to this request. 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 dism'd); Open Records Decision Nos. 605 at 2

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983). Additionally, we note in a separate letter dated January 17, 2018, the city states it wishes to withdraw its request for an open records decision with regard to ORR No. C010307 because the city has released the requested information. As the information responsive to ORR No. C010307 is not responsive to any of the remaining requests, we need not address your arguments against disclosure of that information.

The city informs this office the submitted information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2017-26878 (2017). In that ruling, we determined the information at issue may not be withheld under section 552.101 of the Government Code. Accordingly, the ruling determined the information at issue must be released. In response to Open Records Letter No. 2017-26878, the city filed a lawsuit against our office. *See City of Dallas v. Ken Paxton, Attorney Gen. of Tex.*, No. D-1-GN-17-006740 (250th Dist. Ct., Travis County, Tex.). Accordingly, we are closing our file with regard to ID# 695682 without issuing a decision and will allow the trial court to determine whether the information at issue must be released to the public.

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, 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,



Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/sb

Ref: ID# 695682

c: 4 Requestors