



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 13, 2020

Mr. Jeremy R. Page
Counsel for the City of Lancaster
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2020-01175

Dear Mr. Page:

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# 806075 (City ID No. W13403).

The City of Lancaster (the "city"), which you represent, received a request for a list a specified agencies and the information provided to them; a list of complaints from a specified time period and their dispositions; the dollar amount spent on attorney fees related to disciplinary action from January 1, 2018, to the date of the request; a copy of the requestor's personnel file; and e-mail correspondence related to named individuals from 2013 to the date of the request.¹ You inform us the requestor has withdrawn the portion of the request seeking certain e-mail correspondence. You also state the city has released some information to the requestor and does not have information responsive to some of the remaining parts of the request.² You claim some of the submitted information is excepted

¹ The city states it sought and received clarifications of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

² 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

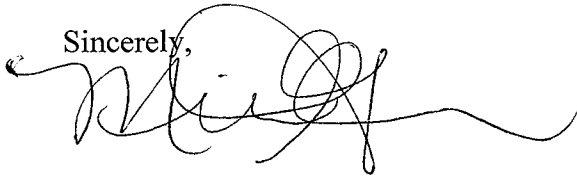
from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.³

You have submitted attorney fee bills in response to the request for “the dollar amount that has been spent on behalf of the Lancaster Fire Department in city attorney fees and third party attorney fees related to any disciplinary action[.]” We note the submitted attorney fee bills include information beyond the requested amounts paid by the city for attorney services. This information is not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release such information in response to this request.⁴ As you raise no exceptions to disclosure for the responsive information, the responsive 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Michelle Garza
Assistant Attorney General
Open Records Division

MG/rm

S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ *dism’d*); 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).

³ This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov’t Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

⁴ As we are able to make this determination, we need not address your argument against disclosure of this information.

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Ref: ID# 806075

Enc. Submitted documents

c: Requestor
(w/o enclosures)