



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 15, 2020

Ms. Evette P. Ugues
Assistant County Attorney
El Paso County
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2020-25973

Dear Ms. Ugues:

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# 848293 (Ref. No. OP-20-0943).

The El Paso County Human Resources Department (the "county") received a request for agreements and memoranda of understanding between the county and any entity at a specified address, pertaining to a specified location, and between the county and representatives of the United States Department of Homeland Security Immigration and Customs Enforcement ("ICE") during a stated period of time. You state the county does not have information responsive to portions of the present request.¹ Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of ICE. Accordingly, you state, and provide documentation demonstrating, the county notified ICE of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released). We have reviewed the submitted information.

As of the date of this ruling, we have not received comments from ICE. As no exceptions to disclosure have been raised, the county must release the submitted information.

¹ The Act does not require a governmental body to release information that did not exist when it received a request, create responsive information, or obtain information that is not held by the governmental body or on its behalf. *See Economic 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), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/jxd

Ref: ID# 848293

Enc. Submitted documents

c: Requestor

c: Third Party