



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 25, 2022

Mr. William S. Helfand  
Counsel for the Harris County Constable's Office, Precinct One  
Lewis, Brisbois, Bisgaard & Smith, L.L.P.  
24 Greenway Plaza, Suite 1400  
Houston, Texas 77046

OR2022-05808

Dear Mr. Helfand:

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# 932279 (Ref. No. PDOHCTX).

The Harris County Constable's Office, Precinct One (the "constable's office"), which you represent, received a request for personnel records of three named officers. You state the constable's office does not have information responsive for one of the officers.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup>

We note the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter No. 2021-23661 (2021). We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Therefore, we find the constable's office must continue to rely on Open Records Letter No. 2021-23661 as a previous determination and withhold or

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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).

<sup>2</sup> We 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 those records contain substantially different types of information than that submitted to this office.

release the identical information in accordance with that ruling.<sup>3</sup> *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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

MRG/jxd

Ref: ID# 932279

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup> As we are able to make this determination, we need not address your argument against disclosure of this information.