



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Monday, October 3, 2022

Ms. Robyn Katz
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767

OR2022-30421

Re: Request for ID 20210083; R084895

Dear Ms. Katz:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 975467 (APD Req. No. R084895).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue.¹ Thus, we are addressing your claims in a memorandum opinion. Initially, we note the requestor excluded any CR-3 accident reports. This ruling does not address the public availability of any information that is not responsive to the request, and you are not required to release such information in response to this request. You state you have released some information to the requestor. You also state you do not have information responsive to portions of the request.² You claim the responsive information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. Upon review, we find you must release the DIC-24 Statutory Warning and the DIC-25 Notice of Suspension. In releasing the DIC-24 and DIC-25 forms, you must withhold the driver license information under section 552.130 of the Government Code and the date of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*,

¹ We note the Austin Police Department (the "department") received an initial request for the same information from this requestor on August 7, 2020. In response to the initial request, the department informs us it released basic information to the requestor within five business days and withheld certain information under section 552.108(a)(1) of the Government Code, pursuant to the previous determination this office issued to the department in Open Records Letter No. 2016-10001 (2016). Subsequently, the requestor made a second and third request for the same information on July 18, 2022.

² The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App — Austin May 22, 2015, pet. denied) (mem. op.). Upon review of your arguments and the remaining responsive information, we conclude you may withhold the remaining responsive information under section 552.108(a)(1). However, as you acknowledge, you must release the basic information pursuant to section 552.108(c) of the Government Code.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/open-records-memorandum-rulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor
(w/o enclosures)