



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 5, 2022

Mr. Norman Ray Giles
Counsel for the Santa Fe Police Department
Lewis Brisbois Bisgaard & Smith, LLP
24 Greenway Plaza, Suite 1400
Houston, Texas 77046

OR2022-30678

Re: Four requests for several categories of information pertaining to two named officers and a specified date

Dear Mr. Giles:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 976659.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You state you have released some information and do not have information responsive to portions of the requests.¹ In addition, you state you have not received clarification of portions of the requests for information.² You claim the submitted information may be withheld from the requestor pursuant to section 552.108(a)(2) of the Government Code. Upon review of your arguments and the submitted information, we conclude you may withhold the submitted information under section 552.108(a)(2).³

¹ 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).

² For the portions of the requested information for which you have sought but have not received clarification, you are not required to release information in response to these portions of the requests. However, if the requestor clarifies these portions of the requests, you must seek a ruling from this office before withholding any responsive information from the requestor. *See Gov't Code* § 552.222(b); *see also City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010).

³ As our ruling is dispositive, we need not consider the applicability of section 1701.661 of the Occupations Code to the submitted body worn camera recordings. *See generally* Occ. Code § 1701.661(a), (e).

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)