



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 20, 2022

Ms. Kacey Villafuerte
Counsel for the Uvalde Consolidated Independent School District
Walsh, Gallegos, Trevino, Kyle & Robinson, P.C.
6770 West Expressway 83, Suite 301
Harlingen, Texas 78552

OR2022-32450

Dear Ms. Villafuerte:

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# 976358 (PIA# 0135).

The Uvalde Consolidated Independent School District (the "district"), which you represent, received a request for five categories of information pertaining to a specified incident.¹ You state the district does not have information responsive to portions of the request.² You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.103, 552.108, 552.117, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.³

¹ We note the district sought and received clarification 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 when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

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).

³ 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.

We note the submitted information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2022-29505 (2022) and 2022-29572 (2022). We have no indication the law, facts, or circumstances on which the prior rulings were based have changed. Accordingly, we conclude the district must continue to rely on Open Records Letter Nos. 2022-29505 and 2022-29572 as previous determinations and withhold or release the information in accordance with those rulings.⁴ See Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

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,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/pt

Ref: ID# 976358

c: Requestor

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