



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 14, 2022

Ms. Leah Wingerson  
Counsel for the Uvalde Consolidated Independent School District  
Walsh, Gallegos, Trevino, Kyle & Robinson, P.C.  
P.O. Box 168046  
Irving, Texas 75016-8046

OR2022-35269

Dear Ms. Wingerson:

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# 980153 (PIA# 0174).

The Uvalde Consolidated Independent School District (the "district"), which you represent, received a request for six categories of information pertaining to door locks and truancy.<sup>1</sup> You state the district does not have information responsive to portions of the request.<sup>2</sup> You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>3</sup>

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</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.

We note the submitted work orders were the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-27750 (2022). In Open Records Letter No. 2022-27750, we determined the district may withhold the information at issue under section 552.108 of the Government Code on behalf of the Texas Department of Public Safety. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, we conclude the district may continue to rely on Open Records Letter No. 2022-27750 as a previous determination and withhold the submitted work orders in accordance with this ruling.<sup>4</sup> *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination). We will address the district's arguments against release of the submitted information that is not encompassed by Open Records Letter No. 2022-27750.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 37.108 of the Education Code, which provides, in part:

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a comparable public or private entity.

...

(c-1) Except as provided by Subsection (c-2), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (b) is not subject to disclosure under [the Act].

Educ. Code § 37.108(b), (c-1). You inform us the remaining information was developed, collected, or produced during a safety and security audit conducted under section 37.108(b). *See id.* § 37.108(b). We have no indication the information at issue is described by section 37.108(c-2). Upon review, we find the district must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code.<sup>5</sup>

In summary, the district may continue to rely on Open Records Letter No. 2022-27750 as a previous determination and withhold the submitted work orders in accordance with this ruling. The district must withhold the remaining information under section 552.101 of the Government Code in conjunction with section 37.108(c-1) of the Education Code.

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

<sup>5</sup> As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

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/mo

Ref: ID# 980153

c: Requestor