



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2005

Ms. Jenise M. Whitaker
Custodian of Records
Devine Police Department
303 South Teel Drive
Devine, Texas 78016

OR2005-06088

Dear Ms. Walker:

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# 227776.

The City of Devine Police Department (the "department") received a request for (1) all police reports filed on or about February 14, 2005 that involve the requestor, and (2) a specified incident report related to a 9-1-1 call placed by the requestor. You state that you do not have any information responsive to item 2 of the request.¹ You state that you have released some of the requested information. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we must address the department's obligations under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days after receiving the written request. You indicate that the department received the request on April 13, 2005.

¹We note that the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Caroline E. Cho
Assistant Attorney General
Open Records Division

CEC/sdk

Ref: ID# 227776

Enc. Submitted documents

c: Ms. Lee Ann Huffman
303 Dubose Drive
Devine, Texas 78016
(w/o enclosures)