



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 31, 2009

Ms. Laura Garza Jimenez  
Nueces County Attorney  
901 Leopard, Room 207  
Corpus Christi, Texas 78401-3680

OR2009-10624

Dear Ms. Jimenez:

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# 350952.

The Nueces County Clerk's Office (the "clerk") received a request for the legal name, physical address, telephone number, voter identification number, and any other identifying information for each individual who voted in the November 2008 general election. You state that the clerk's office does not have any responsive information in an electronic format and that some of the responsive voting forms do not include addresses, voter identification numbers, or telephone numbers.<sup>1</sup> You claim that the information at issue is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.<sup>2</sup> We have also

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<sup>1</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>2</sup>We assume that 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 that those records contain substantially different types of information than that submitted to this office.

considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

You inform us that the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-03459 (2009). In Open Records Letter No. 2009-03459, we found that litigation was pending related to the information at issue based on a lawsuit filed against the clerk in the 94<sup>th</sup> Judicial District Court prior to the receipt of the request for information. We ruled that the clerk may withhold the submitted information under section 552.103 of the Government Code. You inform us that the submitted information consists of the same information upon which we previously ruled. You also inform us that the litigation was still pending on the date the clerk received the instant request. We conclude that, as we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, the clerk may continue to rely on that ruling as a previous determination and withhold the submitted information in accordance with Open Records Letter No. 2009-03459. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address your submitted arguments against disclosure.

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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/eeg

Ref: ID# 350952

Enc. Submitted documents

c: Requestor  
(w/o enclosures)