



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 26, 2009

Ms. Susan K. Durso
General Counsel
Texas Residential Construction Commission
P.O. Box 13509
Austin, Texas 78711-3509

OR2009-15190

Dear Ms. Durso:

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# 359316 (TRCC PIR No. 2975).

The Texas Residential Construction Commission (the "commission") received a request for a list of homes registered with the commission in the last ten years that were built by four named companies. You state the commission has no responsive information regarding three of the named companies.¹ You claim portions of the submitted spreadsheet and database screen shots are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. This exception encompasses information made confidential by other statutes, such as section 409.003 of the Property Code. Section 409.003(f)(2) provides "the commission may not disclose the address of an individual home registered with the commission . . . in connection with an open records request under [the Act]." Prop. Code

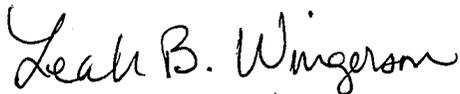
¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

§ 409.003(f)(2). You seek to withhold the addresses listed in the submitted information. You indicate those addresses are the addresses of individual homes registered with the commission. Based on your representation and our review, we determine the addresses in the submitted spreadsheet and database screen shots must be withheld under section 552.101 in conjunction with section 409.003(f)(2) of the Property Code. The remaining information must be released.

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, 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, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 359316

Enc. Submitted documents

c: Requestor
(w/o enclosures)