



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2011

Mr. James M. Whitton
Brackett & Ellis
100 Main Street
Fort Worth, Texas 76102-3090

OR2011-01681

Dear Mr. Whitton:

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# 412160.

The Springtown Independent School District (the "district"), which you represent, received a request for information relating to a grievance filed by the requestor, including the Level 3 transcript. You state some of the requested information has been released. You claim the Level 3 transcript is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.

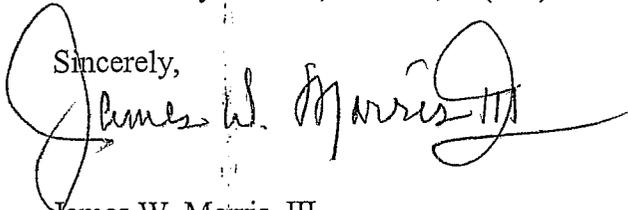
You also inform us the Level 3 transcript did not exist when the district received this request for information. The Act does not require a governmental body to release information that did not exist when it received a request or create responsive information.¹ Therefore, the Act does not obligate the district to release the Level 3 transcript to the requestor. As we are able to make this determination, we need not address your other 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.

¹See *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), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

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,

A handwritten signature in cursive script that reads "James W. Morris III". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 412160

c: Requestor