



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2011

Mr. B. Chase Griffith
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2011-01715

Dear Mr. Griffith:

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# 408195 (McKinney ORR #10-3063).

The McKinney Police Department (the "department"), which you represent, received a request for "calls of service" for a specified address since October 1, 2010 involving three named individuals. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have submitted information for calls of service that occurred before October 1, 2010 at an address different than the one specified in the request. This information is not responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the department need not release such information. Accordingly, we need not address your arguments against disclosure under section 552.101 and section 552.108.

We also note have not submitted any information responsive to the request. You provide no indication that information responsive to the request exists, or that the department seeks to withhold any such information. Therefore, to the extent any information responsive to the request existed on the date the department received the request, we presume the department has released it. If the department has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if

governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

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,

A handwritten signature in cursive script that reads "Lindsay E. Hale". The signature is written in black ink and is positioned above the typed name.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/em

Ref: ID# 408195

Enc. Submitted documents

c: Requestor
(w/o enclosures)