



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 24, 2013

Ms. Karen Thompson
City Secretary
City of Pflugerville
P.O. Box 589
Pflugerville, Texas 78691-0589

OR2013-01352

Dear Ms. Thompson:

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# 476975.

The City of Pflugerville (the "city") received a request for copies of all applications submitted for a specified event. You claim that portions of the submitted information are excepted from disclosure under sections 552.137 and 552.148 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, the requestor asserts he made an earlier request to the city on October 19, 2012. However, we note the requestor sought answers to factual questions in the e-mail dated October 19. The Act does not require a governmental body to answer factual questions, conduct legal research, release information that does not exist, or create responsive information. *See Economic 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).

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). Gov't Code § 552.137(a), (b). Upon review, we agree the city must withhold the e-mail addresses you have marked under section 552.137 of the Government Code, unless the owners of the addresses affirmatively consent to their disclosure.

Section 552.148 of the Government Code provides the following:

(a) In this section, "minor" means a person younger than 18 years of age.

(b) The following information maintained by a municipality for purposes related to the participation by a minor in a recreational program or activity is excepted from the requirements of Section 552.021:

(1) the name, age, home address, home telephone number, or social security number of the minor;

(2) a photograph of the minor; and

(3) the name of the minor's parent or legal guardian.

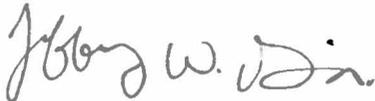
Id. § 552.148. You state a portion of the information submitted in Exhibit C relates to the participation by a minor in a city recreational program or activity. Accordingly, the city must withhold the information you have marked pursuant to section 552.148 of the Government Code.

In summary, the city must withhold the e-mail addresses you have marked under section 552.137 of the Government Code, unless the owners of the addresses affirmatively consent to their disclosure. The city must withhold the information you have marked under section 552.148 of the Government Code. The city must release the remaining information.

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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 476975

Enc. Submitted documents

**c: Requestor
(w/o enclosures)**