



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 11, 2013

Ms. Katheryne MarDock  
Assistant General Counsel  
Public Information Office - Legal Services  
Houston Independent School District  
4400 West 18th Street  
Houston, Texas 77092-8501

OR2013-17801

Dear Ms. MarDock:

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# 502130 (HISD Ref. No. D071813B).

The Houston Independent School District (the "district") received three requests from the same requestor for six categories of information pertaining to the Program Management RFQ for the 2012 Bond Program, RFQ# 13-02-01CS. You state the district does not have information responsive to some of the categories of information requested.<sup>1</sup> You state you will release some of the responsive information to the requestor. You claim the remaining information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup> We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

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<sup>1</sup>We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. *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), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

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

The district informs us the information at issue was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-15731 (2013). As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the district may rely on Open Records Letter No. 2013-15731 as a previous determination and withhold the submitted information in accordance with it.<sup>3</sup> 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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

Ref: ID# 502130

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup>Because our ruling is dispositive, we do not address your argument against disclosure.