



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 11, 2014

Ms. Debra L. Goetz
Counsel for Hidalgo County
Atlas, Hall & Rodriguez, L.L.P.
P.O. Box 3725
McAllen, Texas 78502-3725

OR2014-10053

Dear Ms. Goetz:

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# 525550.

The County of Hidalgo (the "county"), which you represent, received seven requests from two different requestors for information pertaining to specified elections. You state the county has released some of the requested information. Additionally, you state information responsive to portions of the requests does not exist.¹ You claim the remaining requested information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim.

You claim the remaining responsive information is excepted from disclosure under section 552.107(2) of the Government Code. Section 552.107(2) provides information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). You state the information at issue is subject to an impounding order. You have submitted a copy of the court order signed by a judge of the 398th Judicial District of Hidalgo County, Texas. The court order states it is ordered that "all election

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

materials, records and equipment pertaining to the February 18-28, 2014, and March 4, 2014, Democratic Primary Election in Hidalgo County, Texas, be impounded immediately.” *In re Impounding of All Election Materials in Connection with the Hidalgo County, Texas Democratic Primary March 4, 2014, Election*, No. C-2020-14-I (398th Dist. Ct., Hidalgo County, Tex. March 19, 2014) (order to impound election materials). Upon review of the court order, we agree a court by order has prohibited disclosure of the information at issue. You do not state there has been an order of the court authorizing release of the information at issue. Accordingly, the county must withhold the remaining responsive information under section 552.107(2) of the Government Code.

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, 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 525550

Enc. Submitted documents

c: 2 Requestors