



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 20, 2015

Ms. Elaine Nicholson
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2015-07560

Dear Ms. Nicholson:

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# 566039.

The City of Austin (the "city") received a request for "correspondence or notices sent or received between any official, employee, or agent of [the Texas Department of Transportation ('TXDOT')] and any official, employee, or agent of the [city]" related to a particular property. You claim the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Generally, the Act authorizes the Office of the Attorney General to render decisions and opinions in two situations. The first occurs when a governmental body receives a written request for information from an individual or entity acting as a member of the public and requests a ruling from this office because the governmental body wishes to withhold responsive information in accordance with one of the Act's exceptions to disclosure. *See* Gov't Code §§ 552.301, .306. The second situation occurs when this office issues "materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on [the Act]" in order to "maintain uniformity in the application, operation, and interpretation of [the Act.]" *Id.* § 552.011.

As noted above, the request for information was for correspondence or notices between the city and TXDOT. The submitted information does not consist of communications with TXDOT. We note the submitted information is not responsive to the present request for information. The Act does not require a governmental body to release non-responsive information. Accordingly, we understand the city does not seek to withhold any responsive information. Therefore, because this situation falls outside of the Act and beyond the scope of this office's authority to render a decision, we consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 566039.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 566039

Enc. Submitted documents

c: Requestor
(w/o enclosures)