



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 19, 2015

Mr. Jude T. Barreneche  
For the City of Princeton  
Harrison & Hull, LLP  
112 West Virginia Street  
McKinney, Texas 75069

OR2015-09737

Dear Mr. Barreneche:

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# 564245

The City of Princeton (the "city"), which you represent, received two requests from two different requestors. The first request seeks (1) information pertaining to specified payments made to a specified law firm and (2) all documents involving the investigation of a specified individual prior to a specified event, including all interviews. The second request seeks (1) bills and payment made to a specified law firm and (2) all documents pertaining to a specified investigation of a named individual. You state you have no responsive information for part of the first request.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the city has redacted some of the submitted information. You do not assert, nor does our review of our records indicate, the city has been authorized to withhold any of the information you redacted without seeking a ruling from this office. *See Gov't Code*

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<sup>1</sup>The 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).

§ 552.301(a); Open Records Decision No. 673 (2000). As such, these types of information must be submitted in a manner that enables this office to determine whether the information comes within the scope of an exception to disclosure. We are not able to discern the nature of the redacted information. Because we are unable to discern the nature of the redacted information, the city has failed to comply with section 552.301 with respect to this information, and such information is presumed public under section 552.302. *See* Gov't Code §§ 552.301(e)(1)(D), .302. Thus, the city must release the information you have redacted, to the extent it is responsive to the request.

Next, we note the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body [and]

...

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney client privilege[.]

Gov't Code § 552.022(a)(3), (16). The submitted information consists of invoices relating to the expenditure of public funds by the city and attorney-fee bills that are subject to subsections 552.022(a)(3) and 552.022(a)(16), respectively. This information must be released unless it is made confidential under the Act or other law. *See id.* Although you raise section 552.103 of the Government Code for the submitted information, this exception is discretionary in nature and does not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). Therefore, the city may not withhold any of the submitted information under section 552.103. As you raise no other exceptions to disclosure for this information, it must be released.

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,

A handwritten signature in cursive script that reads "Katelyn Blackburn-Rader".

Katelyn Blackburn-Rader  
Assistant Attorney General  
Open Records Division

KB-R/akg

Ref: ID# 564245

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)