



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 24, 2015

Ms. Janie L. Johnson
Assistant Criminal District Attorney
Gregg County
101 East Methvin, Suite 333
Longview, Texas 75601

OR2015-17635

Dear Ms. Johnson:

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# 576841.

The Gregg County District Attorney's Office (the "district attorney's office") received two requests from the same requestor for information related to City of Longview police report number 15-1227. You claim the requested information is excepted from disclosure under sections 552.101, 552.103, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The Act is applicable only to "public information." *See* Gov't Code §§ 552.002, 552.021. Section 552.002(a) defines "public information" as the following:

[I]nformation that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
 - (A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Id. § 552.002(a). Section 552.002(a-1) also provides the following:

Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Id. § 552.002(a-1). Thus, information that is collected, assembled, or maintained by a third party may be subject to disclosure under the Act if a governmental body owns or has a right of access to the information. *See* Open Records Decision No. 462 (1987); *cf.* Open Records Decision No. 499 (1988). The Act does not require a governmental body to prepare new information in response to a request or obtain information that is not held by the governmental body or on its behalf. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ *dism'd*); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 605 at 2 (1992), 555 at 1-2 (1990).

You inform us the district attorney's office received the first request for information on June 8, 2015, and a duplicate request on June 15, 2015. You also inform us the district attorney's office received information related to the City of Longview police report number 15-1227 on June 16, 2015. Therefore, we find that on the date that the district attorney's office received the requests for information, the district attorney's office had not collected or assembled and did not maintain the information at issue in connection with the transaction of its official business. Accordingly, we conclude the district attorney's office is not required to comply with the requests for information and need not release any information to the requestor in response to these requests.¹

¹As we reach this conclusion, we do not address your arguments.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 576841

Enc. Submitted documents

c: Requestor
(w/o enclosures)