



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 3, 2015

Mr. Randall Miller
Assistant District Attorney
Dallas County
Civil Division
411 Elm Street, 5th Floor
Dallas, Texas 75202-3317

OR2015-23028

Dear Mr. Miller:

This is in reference to your request for a decision which was assigned ID# 591653.

The Dallas County Medical Examiner's Office (the "medical examiner's office") received a request for a specified autopsy report. You claim the submitted information is excepted from disclosure under section 552.108 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.

Although you seek to withhold the submitted information, this information is not responsive to the request for information because it was created after the date of the request. 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 dism'd); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983). 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# 591653.

Sincerely,

A handwritten signature in cursive script, appearing to read "N.A. Ybarra".

Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/bhf

Ref: ID# 591653

Enc. Submitted documents

c: Requestor
(w/o enclosures)