



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 10, 2015

Mr. Michael Phelps
Senior Paralegal
Harris County Appraisal District
P. O. Box 920975
Houston, Texas 77292-0975

OR2015-23707

Dear Mr. Phelps:

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# 586570 (HCAD# 15-3543).

The Harris County Appraisal District (the "district") received a request for vehicle lists for certain accounts and years. The district will release some information, but it does not have information responsive to a portion of the request.¹ You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

You state the district sought clarification of the request, and the district has not received a response. *See* Gov't Code § 552.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1–2 (1990).

²We note the district did not meet its deadlines in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). However, section 552.130 provides a compelling reason for non-disclosure, so we will consider the applicability of that exception. *See id.* § 552.302. Also, the district initially raised exceptions to disclosure under section 552.101 of the Government Code. However, it has not provided any arguments to support those exceptions, so we assume the district has withdrawn them. *See id.* §§ 552.301, .302.

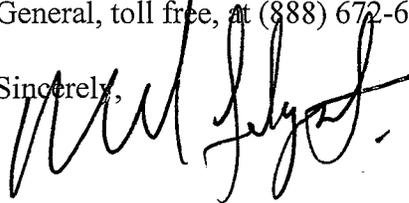
date the request is clarified or narrowed). We note a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990). In this instance, you have submitted information you believe is responsive to the request and have made arguments against disclosure of this information. Thus, we assume the district has made a good-faith effort to relate this request to information it holds, and we will address the applicability of your arguments to the information. However, the district has no obligation at this time to release any additional responsive information for which the district has not received clarification. If the requestor responds to the request for clarification, the district must seek a ruling from this office before withholding any additional responsive information from the requestor. *See City of Dallas*, 304 S.W.3d at 387.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(2). You state the requestor has not provided the required authorization to establish a right of access to this information. Accordingly, the district must withhold the information you marked under section 552.130 of the Government Code.³ As you raise no other exceptions, the district must release the remaining information.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

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³Section 552.130(c) of the Government Code allows the district to withhold this type of information without requesting a ruling from this office. If the district chooses to make such redactions, it must notify the requestor in accordance with section 552.130(e). See Gov't Code § 552.130(c)-(e).

Ref: ID# 586570

Enc. Submitted documents

c: Requestor
(w/o enclosures)