



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 5, 2016

Mr. Ronald J. Bounds  
Assistant General Counsel for Open Records  
Teacher Retirement System of Texas  
1000 Red River Street  
Austin, Texas 78701-2698

OR2016-07638

Dear Mr. Bounds:

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# 604295 (TRS File No. 16-1).

The Teacher Retirement System of Texas (the "system") received a request for a specified agreement; information pertaining to the "relocation package" of a named individual or any other system employee who has accepted an offer of a "relocation package" to move to London; and any contracts between the system and any third parties providing any element of the "relocation package." You state the system does not have information responsive to some of the request.<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.104 and 552.143 of the Government Code. You also state you notified Kohlberg Kravis Roberts & Co., LP, and Linklaters, LLP, of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542

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<sup>1</sup>The 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), 452 at 3 (1986), 362 at 2 (1983).

(1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the submitted arguments and reviewed the submitted information.

Initially, you state the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-03996 (2016). In Open Records Letter No. 2016-03996, we determined the system may withhold the information it has indicated under section 552.104(a) of the Government Code and must release the remaining information. We understand there has been no change in the law, facts, or circumstances on which the prior ruling was based. Thus, the system may continue to rely on Open Records Letter No. 2016-03996 as a previous determination and withhold or release the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address your submitted 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](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 black ink that reads "Abigail T. Adams". The signature is written in a cursive, flowing style.

Abigail T. Adams  
Assistant Attorney General  
Open Records Division

ATA/akg

Ref: ID# 604295

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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Mr. Justin Storms  
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