



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 15, 2016

Mr. Omar A. De La Rosa
Assistant City Attorney
Office of the City Attorney
The City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890

OR2016-08508

Dear Mr. De La Rosa:

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# 605951 (City Case# 16-1020-1087).

The City of El Paso (the "city") received a request for information concerning a special report to the mayor on the city's ballpark. You state the city does not have information responsive to a portion of the request.¹ The city released the responsive information but made redactions as permitted by section 552.136 of the Government Code without requesting a decision from this office. *See* Gov't Code § 552.136(c). Pursuant to section 552.136(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.136(b) of the Government Code. We have considered the city's position and reviewed the information.

Section 552.136(b) of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is

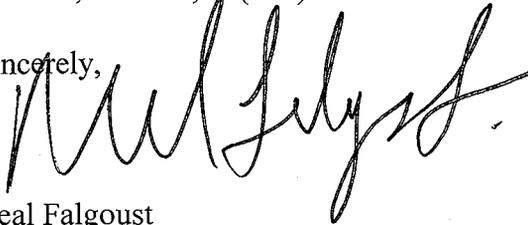
¹The Act does not require a governmental body to release information that did not exist at the time the request was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open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

collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Accordingly, the city must withhold the information you redacted under section 552.136 of the Government Code. The city 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

NF/bhf

Ref: ID# 605951

Enc. Submitted documents

c: Requestor
(w/o enclosures)