



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1997

Ms. Janet M. Dill
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
City of Dallas
Municipal Building
Dallas, Texas 75201

OR97-1851

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Chapter 552 of the Government Code. Your request was assigned ID# 108081.

The City of Dallas Police Department (the "department") received a request for information regarding an investigation conducted by the S.A.F.E. Team. You state that the S.A.F.E. Team is a division of the department. The requestor specifically seeks "a secret ticket" and a "tape that was made at the SAFE meeting." In response to the request, you submitted to this office for review a copy of the videotape which you assert is responsive. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we address your assertion that "no ticket exists." We note that chapter 552 does not apply to information that does not exist. *See* Open Records Decision No. 555 (1990). Nor does chapter 552 require a governmental body to prepare new information in response to a request. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ *dism'd*); *see also* Open Records Decision No. 87 (1975). Therefore, we assume that you have advised the requestor that certain information does not exist.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't

Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). The submitted information appears to deal with the detection, investigation, or prosecution of crime; therefore, the department may withhold the requested information under section 552.108 of the Government Code. On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

As we resolve your request under section 552.108, we need not specifically address your other claimed exception at this time. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large initial "S" and "H".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/alg

Ref.: ID# 108081

Enclosures: Submitted documents

cc: Mr. James T. McNeely
5814 Sunnywood
Dallas, Texas 75228
(w/o enclosures)