



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 12, 2009

Ms. T. Trisha Dang
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2009-00470

Dear Ms. Dang:

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# 331969.

The Corpus Christi Police Department (the "department") received two requests from the same requestor for "all police reports; not arrest reports" involving a named police officer or a named business establishment, specified time intervals, and charges of public intoxication. Although you claim exceptions to disclosure under sections 552.108 and 552.130 of the Government Code, you inform us that the department has no information that is responsive to these requests.¹

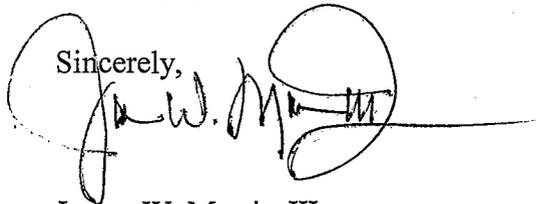
Generally, the Act authorizes the Office of the Attorney General to render decisions and opinions in two situations. The first occurs when a governmental body receives a written request for information from an individual or entity acting as a member of the public and requests a ruling from this office 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

¹We note that the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. 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), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

“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.

In this instance, both of the requests specifically seek access to “police reports; not arrest reports[.]” You inform us that the department does not require its officers to prepare offense reports for charges of public intoxication, and you request this office to authorize the withholding of the submitted arrest reports on the basis that this information was expressly excluded by the requestor. Because the submitted information is not responsive to these requests, and because the department has no information that is responsive to these requests, we conclude that this situation falls outside of the Act and beyond the scope of this office’s authority to render a decision with regard to your request. Therefore, we will consider this matter closed. If you have any questions with regard to this letter, please refer to ID #331969.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris, III". The signature is written in a cursive style with a large, circular flourish at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 331969

Enc: Submitted documents

c: Requestor
(w/o enclosures)