



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

February 3, 2010

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
321 John Sartain  
Corpus Christi, Texas 78401

OR2010-01678

Dear Ms. Aguilar:

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# 372060.

The Corpus Christi Police Department (the "department") received a request for the incident report, certain 9-1-1 calls, autopsy photographs, and a certain audio recording pertaining to a specified incident. You state the department has no information responsive to the request for 9-1-1 calls, autopsy photographs, and an audio recording.<sup>1</sup> You also state the department has provided some of the requested information to the requestor. You claim portions of the requested incident report are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim.

You state the requested incident report was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-18024 (2009). In that ruling, we concluded the department must withhold certain marked information under sections 552.101 and 552.130 of the Government Code, and release the remaining information. Because you state the law, facts, and circumstances on which the prior ruling

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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).

was based have not changed, the department must continue to rely on that ruling as a previous determination and withhold or release the requested information in accordance with Open Records Letter No. 2009-18024. *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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 372060

No submitted documents

c: Requestor