



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 25, 2010

Mr. Brian S. Nelson
General Counsel
Lone Star College System
5000 Research Forest Drive
The Woodlands, Texas 77381-4356

OR2010-04256

Dear Mr. Nelson:

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# 378669.

The Lone Star College System ("LSCS") received a request for information relating to four specified invitation numbers. You state that LSCS has no responsive information relating to invitation number 10-512.¹ You also state that information relating to invitation number 10-511 has been released. You claim that the submitted information relating to invitation numbers 10-044 and 10-518 is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

You also inform us that the information relating to invitation numbers 10-044 and 10-518 is the subject of Open Records Letter No. 2010-02883 (2010). In that ruling, we concluded that the information in question is excepted from disclosure under section 552.104 of the Government Code. You do not indicate that there has been any change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude that LSCS may

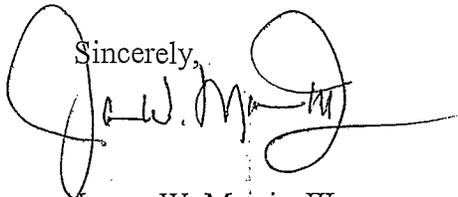
¹We note that the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

continue to rely on Open Records Letter No. 2010-02883 with respect to the information relating to invitation numbers 10-044 and 10-518.² See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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, 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,

A handwritten signature in black ink, appearing to read "J.W. Morris, III", with a long horizontal flourish extending to the right.

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

JWM/cc

Ref: ID# 378669

Enc: Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your arguments under section 552.104 of the Government Code.