



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 8, 2010

Mr. David Daugherty
Assistant County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002

OR2010-04992

Dear Mr. Daugherty:

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# 375171 (C.A. File No. 10GEN0093).

The Harris County Constable Precinct 6 (the "constable") received a request for 1) the last date of work for a named lieutenant, 2) any reports or records showing contact with a named individual after a specified date, and 3) the forwarding address for the named lieutenant. You state you have released information responsive to item one of the request. You also state that the constable does not have any information responsive to item two of the request.¹ You claim that the submitted information is excepted from disclosure under section 552.117 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to the instant request because it is not the forwarding address for the named

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

²Although you raise section 552.101 of the Government Code in conjunction with section 552.117 of the Government Code, section 552.101 does not encompass other exceptions in the Act.

lieutenant. The constable need not release non-responsive information in response to this request, and this ruling will not address that information.

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone number, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. Gov't Code § 552.117(a)(2). Accordingly, the constable must withhold the responsive information we have marked under section 552.117(a)(2) of the Government Code. As you raise no further exceptions, the remaining responsive information must be released.

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,



Tamara Wilcox
Assistant Attorney General
Open Records Division

TW/dls

Ref: ID# 375171

Enc. Submitted documents

c: Requestor
(w/o enclosures)