



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 3, 2011

Mr. Charles E. Zech
Attorney for City of Live Oak
Denton, Navarro, Rocha & Bernal
2517 North Main Avenue
San Antonio, Texas 78212

OR2011-07862

Dear Mr. Zech:

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# 419415.

The Live Oak Police Department (the "department"), which you represent, received a request for the videotaped statement given by the victim's father in relation to a specified incident. You inform us the department turned over the original evidence related to this investigation to the district attorney's office and no longer maintains or has access to it. Therefore, you state the department is not in possession of any responsive information.

A governmental body is not required to obtain information not in its possession. Open Records Decision No. 558 (1990). The department is thus not required to release any information in response to this request. We will therefore consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 419415.

Sincerely,

Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/bs

Ref: ID # 419415

c: Requestor