



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 20, 2011

Mr. Dallas Tharpe  
Civil Assistant District Attorney  
Smith County  
100 North Broadway, 4th Floor  
Tyler, Texas 75702

OR2011-10330

Dear Mr. Tharpe:

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# 424416.

The Smith County Sheriff's Office (the "sheriff") received a request for a specified dash cam video. You claim the submitted information is excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information does not contain the requested dash cam video. Thus, the submitted information is not responsive to the request for information. The sheriff is not required to release non-responsive information in response to this request under the Act, and this ruling will not address that information. Accordingly, we do not address your submitted arguments under the Act. As you have not submitted the requested information for our review, we assume the sheriff has released it to the requestor, to the extent it existed and was maintained by the sheriff when the sheriff received the request. If the sheriff has not released any such information, it must do so immediately. *See* Gov't Code §§ 552.006, 552.301, 552.302; Open Records Decision No. 664 (2000).

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,

A handwritten signature in cursive script that reads "Jennifer Burnett".

Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 424416

Enc. Submitted documents

c: Requestor  
(w/o enclosures)