



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 27, 2011

Ms. Cheryl G. Cash
Office of General Counsel
Texas Southern University
3100 Cleburne Avenue
Houston, Texas 77004

OR2011-15783

Dear Ms. Cash:

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# 439309.

Texas Southern University (the “university”) received a request for transcripts and other information related to two named individuals. You state the requested transcripts are the subject of previous open records letter rulings. You also claim the transcripts are excepted from disclosure under sections 552.103 and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the representative sample of information you submitted.¹ We assume the university has released any other types of information that are responsive to the present request, to the extent such information existed when the university received the request. If not, then the university must release any such information immediately.² See Gov’t Code §§ 552.221, .301, .302; Open Records Decision No. 664 (2000).

¹This letter ruling assumes the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the university to withhold any information that is substantially different from the submitted information. See Gov’t Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

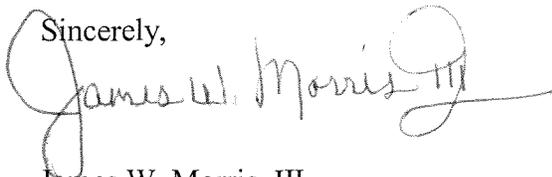
²We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism’d); Open Records Decision Nos. 605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

You note the requested transcripts were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2011-05644 (2011). You state the prior ruling concludes the university may withhold the transcripts under section 552.103 of the Government Code. You indicate there has been no change in the law, facts, and circumstances on which the previous ruling is based. Based on your representations, we conclude the university may continue to rely on Open Records Letter No. 2011-05644 and withhold the requested transcripts on the basis of the prior ruling until the related litigation concludes or is no longer reasonably anticipated.³ 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)); see also Gov't Code § 552.103; Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

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,



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

JWM/em

Ref: ID# 439309

Enc: Submitted documents

c: Requestor
(w/o enclosures)

³As we are able to make this determination, we do not address your other arguments against disclosure.