ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 26, 2012

Ms. Janet I. Monteros
Assistant County Attorney
El Paso County
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2012-01352

Dear Ms. Monteros:

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# 447802.

The El Paso County Sheriff's Office (the "sheriff's office") received a request for the transcript of a specified 911 call. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130, 552.136, and 552.147 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the information you have submitted is not responsive to the instant request, which seeks only the transcript of the specified 911 call. This ruling does not address the public availability of non-responsive information, and the sheriff's office is not required to release non-responsive information in response to this request. Accordingly, we need not address your arguments against disclosure of the submitted information.

You state the sheriff's office does not possess the requested transcript. We note the Act does not require a governmental body to release information that did not exist when it received a request or to 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). Therefore, because you state the

sheriff's office possesses no responsive information, the sheriff's office is not required to release any information in response to the instant request.

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,

Misty H Barham

Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/agn

Ref: ID # 447802

Enc. Submitted documents

c: Requestor
(w/o enclosures)