ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 25, 2012

Mr. Scott A. Durfee
Assistant General Counsel
Harris County District Attorney's Office
1201 Franklin Suite 600
Houston, Texas 77002-1901

OR2012-05900

Dear Mr. Durfee:

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# 451780.

The Harris County District Attorney's Office (the "district attorney's office") received a request for several categories of information related to an investigation of members of a specified grand jury, four named judges, and two named attorneys.[1] You state the district attorney's office has no information responsive to parts of the request.[2] You also state the district attorney's office has released some of the requested information. You indicate other responsive information, which you have submitted, is the subject of a previous open records letter ruling. You also claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your arguments and reviewed the information you submitted.

You state the submitted information was the subject of a previous request by the district attorney's office for a decision, in response to which this office issued Open Records Letter

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[1]You inform us the requestor subsequently narrowed parts of his request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

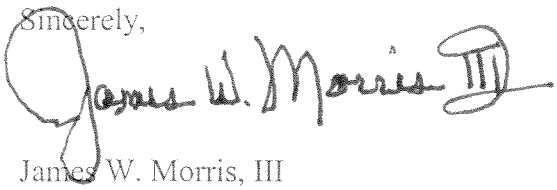
[2]We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos.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

No. 2012-05815 (2012). In the previous ruling, we concluded the district attorney's office may withhold the submitted information under section 552.108(a)(2) of the Government Code. You do not indicate there has been any change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude the district attorney's office may rely on Open Records Letter No. 2012-05815 as a previous determination and withhold the submitted information on the basis of the previous ruling.[3] *See* Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

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# 451780

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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[3]As we are able to make this determination, we need not address your arguments against disclosure of the information at issue.