



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 9, 2012

Mr. Wm. Hulse Wagner  
For Port of Galveston  
McLeod, Alexander, Powel & Apffel, P.C.  
1990 Post Oak Boulevard, Suite 120  
Houston, Texas 77056

OR2012-06868

Dear Mr. Wagner:

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# 452993.

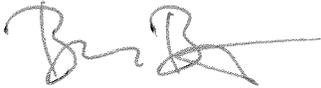
The Port of Galveston (the "port"), which you represent, received a request for information related to a named individual's retirement and pension benefits. You have released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.110, 552.117, 552.136, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information was created after the date the request was received. Thus, the submitted information is not responsive to the request for information. The port is not required to release non-responsive information in response to this request, and this ruling will not address that information. *See Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App. – San Antonio 1978, writ dismissed) (Act does not require governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request). Accordingly, we do not address your submitted arguments under the Act.

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 black ink, appearing to read 'Ben Bellomy', with a long horizontal stroke extending to the right.

Benjamin A. Bellomy  
Assistant Attorney General  
Open Records Division

BAB/dls

Ref: ID# 452993

Enc. Submitted documents

c: Requestor  
(w/o enclosures)