



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 25, 2012

Mr. B. Chase Griffith
For City of McKinney
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2012-08050

Dear Mr. Griffith:

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# 455084.

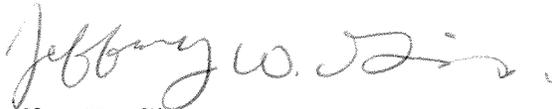
The City of McKinney (the "city"), which you represent, received a request for all video and audio recordings made by the officer who entered a specific residence at a specified time. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received comments from the requestor. *See Gov't Code § 552.304* (providing interested party may submit written comments stating why information should or should not be released).

We note the submitted information is not responsive to the instant request, which seeks any audio and any video recordings made by a certain officer who entered a specified residence. We note you have only submitted a recording between a 911 dispatcher and the requestor and a copy of the event report related to the incident described in the request. The city 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 city has released it to the requestor, to the extent it existed and was maintained by the city when the city received the request. If the city has not released any such information, it must do so at this time. *See Gov't Code §§ 552.006, .301, .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, 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 that reads "Jeffrey W. Giles". The signature is written in a cursive style.

Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 455084

Enc. Submitted documents

c: Requestor
(w/o enclosures)