



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 26, 2012

Ms. Donna L. Johnson  
Olson & Olson, L.L.P.  
2727 Allen Parkway, Suite 600  
Houston, Texas 77019

OR2012-17140

Dear Ms. Johnson:

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# 469181 (Ref. No. COT12-013).

The City of Tomball (the "city"), which you represent, received a request for city police and fire dispatch calls to a specified address during a particular time period. The Northwest Rural Emergency Medical Services ("Northwest EMS") also received a request from the same requestor for EMS calls to the same address during a different period of time.<sup>1</sup> You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the city did not submit the requested police or fire dispatch calls. To the extent such information existed on the date the city received the request, we presume the city has released it. If not, the city must do so at this time. *See* Gov't Code §§ 552.301,.302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

You state the second request was received by Northwest EMS, a non-profit 501(c)(3) company that provides emergency ambulance services to the city and surrounding county. You explain Northwest EMS is not a city department. You further state the submitted information was provided to the city by Northwest EMS.

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<sup>1</sup>We understand Northwest EMS forwarded its request to the city. However, you state the city seeks a ruling regarding the city's obligations under the Act. Thus, we understand the city is not seeking a ruling on behalf of Northwest EMS.

The Act applies to information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it. Gov't Code § 552.002(a). Consequently, the Act encompasses information that a governmental body does not physically possess, if the information is collected, assembled, or maintained for the governmental body, and the governmental body owns the information or has a right of access to it. *Id.* § 552.002(a)(2); *see* Open Records Decision No. 462 at 4 (1987). Thus, the Act does not ordinarily require a governmental body to obtain information not in its possession,<sup>2</sup> to obtain information from another entity that does not hold the information on behalf of the governmental body,<sup>3</sup> or to obtain new information in order to comply with a request.<sup>4</sup> In this instance, you do not inform us the city maintained or had a right of access to the submitted documents on the date it received the request. Thus, because the city did not maintain or own and have a right of access to information responsive to the Northwest EMS request at the time the request was received, the city is not required to respond to the request. Therefore, we need not address your arguments against release of the submitted information.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

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<sup>2</sup>See Open Records Decision Nos. 558 at 2 (1990), 518 (1989), 499 (1988).

<sup>3</sup>See Open Records Decision No. 534 (1989).

<sup>4</sup>See Open Records Decision No. 561 (1990)

Ref: ID# 469181

Enc. Submitted documents

c: Requestor  
(w/o enclosures)