



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 16, 2013

Ms. Neera Chatterjee  
Office of the General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2013-06129

Dear Ms. Chatterjee:

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# 484523 (OGC No. 148423).

The University of Texas Southwestern Medical Center (the "university") received a request for (1) communications sent to a named individual regarding certain IP address inquiries and (2) documents regarding inquiries the university has made into the requestor. You state you do not have information responsive to item one of the request.<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.103 and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>2</sup>

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<sup>1</sup>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 dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

<sup>2</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

You state the submitted information was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2013-04976 (2013). In this prior ruling, we ruled the university may generally withhold the submitted information under section 552.107 of the Government Code; however, if the non-privileged e-mails we marked exist separate and apart from the otherwise privileged e-mail strings in which they appeared, then the university may not withhold the non-privileged e-mails under that exception. We ruled, in that case, the university may withhold the remaining information, which we marked, under section 552.103 of the Government Code. As we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based, we conclude the university may rely on Open Records Letter No. 2013-04976 as a previous determination and withhold or release the submitted information in accordance with it.<sup>3</sup> See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Michelle R. Garza  
Assistant Attorney General  
Open Records Division

MRG/som

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<sup>3</sup>Because our ruling is dispositive, we do not address your arguments against disclosure.

Ref: ID# 484523

Enc. Submitted documents

c: Requestor  
(w/o enclosures)