



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 28, 2014

Ms. Lisa D. Mares
Counsel for the City of Joshua
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2014-06948

Dear Ms. Mares:

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# 521033.

The Joshua Police Department (the "department"), which you represent, received a request concerning the existence of a video/audio recording system related to a particular citation. The department argues the requested information "is not 'information' as defined by the Act." We have considered your argument.

Generally, the Act authorizes the Office of the Attorney General to render decisions and opinions in two situations. The first occurs when a governmental body receives a written request for information from an individual or entity acting as a member of the public and requests a ruling from this office because the governmental body wishes to withhold responsive information in accordance with one of the Act's exceptions to disclosure. *See* Gov't Code §§ 552.301, 552.306. The second situation occurs when this office issues "materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on [the Act]" in order to "maintain uniformity in the application, operation, and interpretation of [the Act.]" *Id.* § 552.011.

The request asks if the vehicle involved in the issuance of a specified citation has a video/audio recording system. The request states "If [the department] den[ies] this vehicle has a video/audio recording system[,] please let [the requestor] know when the vehicle will

be available for [inspection.]” To the extent the requestor is asking the department whether or not the vehicle has a video/audio recording system, we note that a governmental body is not required to answer factual questions, conduct legal research, or create new information in responding to a request for information under the Act. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). We note, and you acknowledge, a governmental body must make a good-faith effort to relate a request to any responsive information that is within its possession or control. Open Records Decision Nos. 561 at 8-9 (1990), 555 at 1-2. You state you have released all information responsive to the request.¹

Next, we address the present request to the extent the request seeks to inspect the vehicle at issue. This office has ruled that tangible physical items are not “information” as that term is contemplated under the Act. *See, e.g.*, Open Records Decision No. 581 (1990). Thus, we find any responsive tangible physical evidence that is maintained by the department is not public information as that term is defined in section 552.002 of the Government Code. Accordingly, because the department did not receive a request that triggers its obligations to seek a ruling from this office under section 552.301, this office has no jurisdiction to rule on your request. We therefore consider this matter closed.

Sincerely,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 521033

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The Act does not require a 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. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).