



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 17, 2014

Mr. Adrian Rodriguez
Public Information Officer
City of South Padre Island
4601 Padre Boulevard
South Padre Island, Texas 78597

OR2014-18766

Dear Mr. Rodriguez:

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# 539879 (PIR No. 14-0811-02).

The City of South Padre Island (the "city") received a request for the Smith Travel Research reports for a specified time period. We understand you do not have information responsive to portions of the request.¹ You claim the submitted information is subject to section 552.027 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.027 of the Government Code provides the Act does not require a governmental body to allow the inspection of or to provide a copy of information in a commercial publication purchased or acquired by the governmental body for research purposes if the publication is commercially available to the public. *See Gov't Code* § 552.027(a). You assert, and provide supporting documentation reflecting, the submitted information is available to the requestor through commercial means. Accordingly, based on your representations and our review, we conclude the submitted information is commercially

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).

available information that falls within the scope of section 552.027 and need not be released to the requestor.²

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal flourish extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 539879

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your remaining comments.