



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 27, 2016

Ms. Marium S. Uddin  
Assistant District Attorney  
Civil Division  
Dallas County  
411 Elm Street, 5th Floor  
Dallas, Texas 75202-3317

OR2016-01989

Dear Ms. Uddin:

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# 602109 (ORR No. 15-002706).

The Dallas County Medical Examiner's Office (the "medical examiner's office") received a request for the autopsy, toxicology, and investigative report concerning the death of a named individual. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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, .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.

Although you seek to withhold the submitted information, this information is not responsive to the request for information because it was created after the date of the request. The 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). Therefore, because this situation falls outside of the Act and beyond the scope of this office's authority to render a decision, we consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 602109.

Sincerely,

A handwritten signature in black ink, appearing to read "N. A. Ybarra". The signature is fluid and cursive, with the first name "N" being a simple loop, "A" being a small loop, and "Ybarra" being more complex with several loops and a long tail.

Nicholas A. Ybarra  
Assistant Attorney General  
Open Records Division

NAY/bw

Ref: ID# 602109

Enc. Submitted documents

c: Requestor  
(w/o enclosures)