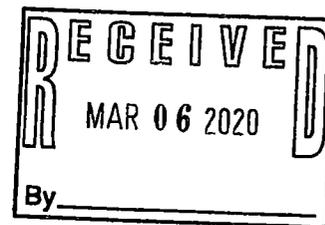




**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS



March 4, 2020

Mr. Robert Carroll  
Senior Assistant City Attorney  
City of Odessa  
P.O. Box 4398  
Odessa, Texas 79760-4398

Dear Mr. Carroll:

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# 814916 (ORR# P001884-120319).

The Odessa Police Department (the "department") received a request for information related to women who were charged with assault while pregnant. The department states it has released some information to the requestor. The department claims the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions the department claims 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.

The submitted information is not responsive to the instant request for information because it does not consist of reports related to women who were charged with assault while pregnant. We do not address the public availability of information that is not responsive to

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the request and the department is not required to release that information in response to the request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267 68 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983). Therefore, because the department does not seek to withhold any responsive information, this situation falls outside of the Act and beyond the scope of this office's authority to render a decision, and we consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 814916.

Sincerely,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/rm

Ref: ID# 814916

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1. The first part of the document is a list of names and addresses of the members of the committee.