



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 15, 2026

Ms. Shelly Bush  
Criminal District Attorney  
Polk County  
101 West Mill Street, Suite 247  
Livingston, Texas 77351

OR2026-046352

Dear Ms. Bush:

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# 26-041074 (Ref. No. 26-706).

Polk County (the "county") received a request for six categories of information pertaining to the requestor and certain systems. The county states it has released some of the requested information. The county states it does not maintain information responsive to a portion of the request.<sup>1</sup> The county claims some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code.<sup>2</sup> We have considered the claimed exceptions and reviewed the submitted representative sample of information.<sup>3</sup> We have also received and considered comments from the requestor. *See*

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<sup>1</sup> The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *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), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

<sup>2</sup> Although the county also raises section 552.101 of the Government Code, the county has not provided any arguments to support this exception. Therefore, we assume the county has withdrawn its claim this section applies to the submitted information. *See Gov't Code* §§ 552.301, .302.

<sup>3</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.

Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We must address the requestor's assertion the county failed to comply with section 552.301 of the Government Code. Section 552.301 of the Government Code prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. *See id.* § 552.301(a). Pursuant to section 552.301(b), the governmental body must ask for the attorney general's decision and state the specific exceptions that apply within ten business days after receiving the request. *See id.* § 552.301(a), (b). In this instance, the county received the request for information after business hours on July 13, 2026. Therefore, for purposes of section 552.301, the county received the request for information on July 14, 2026. This office only counts business days as provided by section 552.0031 of the Government Code. *Id.* § 552.0031 (defining "business day" for purposes of the Act). Accordingly, the county's ten-business-day deadline was July 28, 2026. The county provided the information required by section 552.301(b) by electronic submission on July 28, 2026. *See id.* § 552.309(a) (requirement to submit information within specified time period under the Act is met in timely fashion if it is submitted through attorney general's designated electronic filing system within that period). Therefore, we conclude the county complied with the procedural requirements of section 552.301 of the Government Code. Accordingly, we will address the county's argument against disclosure of the information at issue.

Next, we note Exhibit E is not responsive to the instant request for information because it does not pertain to the requestor. This ruling does not address the public availability of any information that is not responsive to the request and the county is not required to release such information in response to this request.<sup>4</sup> Additionally, we emphasize 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 Bustamante*, 562 S.W.2d at 267-68; ORDs 605 at 2, 452 at 3, 362 at 2.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the county must withhold the motor vehicle record information it indicated under section 552.130 of the Government Code. The county must release the remaining responsive information.

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 <https://www.texasattorneygeneral.gov/open->

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<sup>4</sup> As we are able to make this determination, we need not address the arguments against disclosure of this information.

[government/members-public/what-expect-after-ruling-issued](#) or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Alexandra C. Burks  
Assistant Attorney General  
Open Records Division

ANB/tb

Ref: ID# 26-041074

c: Requestor