



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 22, 1974

The Honorable Elliott T. Bowers
President
Sam Houston State University
Huntsville, Texas 77340

Open Records Decision No. 57

Re: Whether under the Open
Records Act a university
may indicate that it will
delay furnishing a list of
student addresses for one
month due to administrative
inconvenience.

Dear Dr. Bowers:

You have requested our decision under the Texas Open Records Act, Article 6252-17a, section 7(a), V. T. C.S. (Supp. 1974). A citizen has requested a right of access to the names, local addresses, and local phone numbers of Sam Houston State University seniors. You acknowledge in your letter that the citizen has a right to obtain this information but you inquire whether the University may delay furnishing the requested information for one month while the General Information Code File containing this data is being used for registration and for preparing reports to various state agencies.

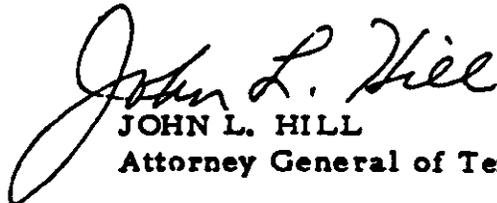
The applicable provision of the Act is section 4, which states:

On application for public information to the custodian of information in a governmental body by any person, the custodian shall promptly produce such information for inspection or duplication, or both, in the offices of the governmental body. If the information is in active use or in storage and, therefore, not available at the time a person asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within a reasonable time when the record will be available for the exercise of the right given by this Act. (Emphasis added)

Considering the mandate of section 4, the question is whether in this particular instance a one month delay is reasonable. We have had representations by the State University that these files are in active use for about two and a half weeks for registration, and, subsequently, in active use for preparing reports for various state agencies. We have also received representations from the requesting citizen that copies of the desired list were prepared by University Data Processing and sent to the Security, Admissions, and Post Office departments of the college slightly more than two weeks after the start of school, that is, two or more weeks before the college said it would be prepared to provide the list to the requestor. Assuming this representation is correct and further assuming that the material provided to various departments of the college is identical to that requested under the Act, then in the normal instance it would be reasonable to expect that the college could provide the citizen with a copy of the material at essentially the same time it is provided to the departments of the college. Given the dispute as to the facts, it is impossible for us to conclude as a matter of law that in this particular case a 30 day delay is unreasonable. We feel compelled, however, to observe that if the Open Records Act is to work as it was intended to work, all due diligence and every reasonable effort should be exercised to avoid delays of this length.

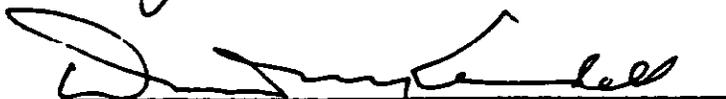
In all events, if the only available source of this information is the General Information Code File, that portion of the file which is not then in immediate active use should be disclosed unless it is impossible to separate it from that which is in use.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Special Assistant


DAVID M. KENDALL, Chairman
Opinion Committee