



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 24, 1991

Honorable Lloyd Garza
City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR91-050

Dear Mr. Garza:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11373.

The information in question consists of local criminal history information, and its disclosure is requested by the subjects of the information. We have reviewed the requested information forwarded to us, and we have determined that a previous opinion of this office, Open Records Decision No. 565 (1990), a copy of which is enclosed, resolves your question. See also Attorney General Opinion JM-1224 (1990), at 6. For this reason, you must release the requested criminal history information to the requestor who is the subject of the information.

Your letter explains that the requested criminal history information is available only with regard to two of the four requestors. Although the Open Records Act applies to information in existence, the absence of requested information must be communicated to the requestors. See generally Open Record Decision No. 342 (1982). Only by communicating the absence of requested information to a requestor can an entity adequately respond to the request.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-050.

Yours very truly,

Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/le

Ref.: ID# 11373

Enclosure: Open Records Decision Nos. 565, 342;
Attorney General Opinion No. JM-1224

cc: David B. Casas, Assistant City Attorney
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