



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Mr. Lance Beversdorff
Staff Attorney
Texas Youth Commission
P.O. Box 4260
Austin, Texas 78765

OR93-186

Dear Mr. Beversdorff:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.¹). Your request was assigned ID# 18992.

The Texas Youth Commission (the "commission") has received a request for information relating to commission employee disciplinary and leave matters. Specifically, the requestor seeks three categories of information:

1. The name, race, sex, title, and length of service of all T.Y.C. staff who have been disciplined for student abuse and failure to report, during fiscal years September, 1991 to present, to include the degree of punishment.
2. The name, race, sex, title, and length of service of all T.Y.C. staff who have applied for stress leave during fiscal years September, 1990 to present.
3. The name, race, sex, and title of all T.Y.C. staff who were granted stress leave, to include the number of days taken, during fiscal years September, 1990 to present.

You advise us that the commission does not possess the information in the compilation requested and that to produce such a compilation would require research of many other

¹The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

agency records. However, you inform us that similar, existing compilations will be made available to the requestor.

You claim that the Open Records Act does not obligate you to make the requested information available in the form requested. We agree. While the Open Records Act would require a governmental body to produce a compilation if such compilation could be produced by performing a minimal computer search of existing information stored in the entity's computers, the act does not ordinarily require the creation of new information. Attorney General Opinion JM-672 (1987); *see also* Open Records Decision Nos. 606 (1992); 145 (1976). Since you indicate that creating such a compilation would require research of voluminous documents, and is not a matter of conducting a simple computer search, we conclude that you need not release the requested information in the form requested.² *See also* Attorney General Opinion JM-672 (1987) at 5 (whether certain programming constitutes the creation of new material must be determined on a case-by-case basis).

Because case law and 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 contact this office.

Yours very truly,



Rebecca L. Payne
Section Chief
Open Government Section

JBP/GCK/rho

Ref.: ID# 18992

cc: Karim Shabazz
TSEU Organizer
Texas State Employees Union
5415 Maple Avenue # 212
Dallas, Texas 75235

²Although the information requested does not exist in the form of a compilation, you have indicated that the agency maintains other records which may contain the information in an uncompiled form. A governmental body is obligated to make a good faith effort to relate a request to information which it holds. Open Records Decision Nos. 561 (1990) at 8; 467 (1987) at 5-6; 87 (1975) at 3-5. Therefore, you should inform the requestor of what information is available and allow him to determine whether he wishes to obtain those records and produce his own compilation.