



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 25, 1994

Ms. Alana Marie Holmes  
Staff Attorney  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

OR94-175

Dear Ms. Holmes:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 23440.

The Texas Natural Resource Conservation Commission (the "commission") received an open records request for:

all continuous and non-continuous data collected from the ambient monitoring systems operated by your Agency in order to determine the quality of the environment I live in.

You have informed the requestor that the commission will make the requested records available to the extent that they are currently in the commission's possession. You contend, however, that the commission is not obligated to comply with a standing request for information that it did not possess at the time it received the request.

We agree. The Open Records Act does not require a governmental body to obtain information not in its possession or to prepare new information in response to an open records request. Open Records Decision No. 445 (1986) at 2. Nor must a governmental body comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983) at 2. Accordingly, the commission must release only those requested records that it held at the time it received the open records request.

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 our office.

Yours very truly,



Kyemberly K. Oltrogge  
Assistant Attorney General  
Open Government Section

KKO/RWP/rho

Ref.: ID# 23440  
ID# 24014  
ID# 24330

cc: Mr. Mike R. Vance  
7622 Twin Hills  
Houston, Texas 77071  
(w/o enclosures)