



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1994

Ms. Diana G. Bertini
Assistant City Attorney
Legal Department
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR94-706

Dear Ms. Bertini:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 27100.

The City of Galveston (the "city") has received a request for a list of off-duty police officers working security. You advise us that the requested information does not exist. You claim that section 552.227 of the Government Code excepts this information from required public disclosure.

The Open Records Act applies only to information in existence and does not require a governmental body to prepare new information. *See* Open Records Decision No. 572 (1990) at 1. The opinions of this office have addressed numerous situations in which a governmental body has received either an "overbroad" written request for information or a written request for information that the governmental body is unable to identify. In Open Records Decision No. 561 (1990) at 8-9, we summarized the policy of this office with respect to requests for unidentifiable information and "overbroad" requests:

We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with

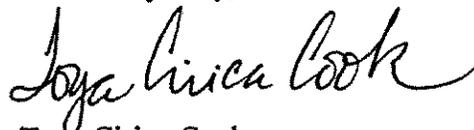
broad requests for information rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).

Moreover, section 552.227 of the Government Code expressly does not require an officer for public records or the officer's agent to perform general research. *See, e.g.*, Open Records Decision Nos. 563 at 8; 555 at 1 (1990); 379 (1983) at 4. In response to the request at issue here, you must make a good-faith effort to relate the request to information in the city's possession and must help the requestor to clarify his request by advising him of the types of information available. Beyond these requirements however, the city need not generate new information to comply with the request.

We have examined the information that you have submitted as possibly responsive to the request. The document contains the dispatch information from the evening of October 28, 1993. The information contained in this portion of the dispatch log may be of some assistance to the requestor and adequately apprises him of the type of information that is available.

Because case law and prior open records decisions resolve your request, we are resolving this matter with an 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,



Toya Cirica Cook
Assistant Attorney General
Open Government Section

TCC/MAR/rho

Ref.: ID# 27100

Enclosure: Submitted document

cc: Mr. John A. Ellisor, Jr.
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(w/o enclosure)