



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 24, 1996

Mr. Robert J. Gervais
Assistant City Attorney
Legal Department
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR96-0601

Dear Mr. Gervais:

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# 39430.

The City of Galveston (the "city") received an open records request for the "[r]esume and vita from Ralph Anderson and Associates, Dallas, or other sources, of *finalists* for Galveston city manager position." (Emphasis added.) You explain that the city has hired Ralph Anderson and Associates ("Anderson") to conduct an "executive search" for a city manager. You state, however, that, to date, Anderson has not yet completed its search interview process and, consequently, has not yet compiled a list of finalists.

The Open Records Act applies only to information already transcribed into tangible form; it does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983). Based on your representation that Anderson has not yet prepared a list of finalists for the city manager position, we conclude that the information sought by the requestor does not currently exist; the city therefore need not comply with the current open records request.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

¹Because the requested information does not currently exist, we need not address at this time your contentions regarding the applicability of the Open Records Act to records held by Anderson.

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "RWS" followed by a stylized flourish.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/RWP/ch

Ref.: ID# 39430

cc: Mr. Mark Holan
City Reporter
Galveston County Daily News
P.O. Box 628
Galveston, Texas 77553