



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1996

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

OR96-2054

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37526.

The City of Galveston (the "city") received a request for copies of a status report prepared by Municipal Advisors, Inc. You claim that the requested information is excepted from disclosure because the request asks for a record that does not exist. We considered the exception you claim and reviewed the submitted information.

Section 552.002 defines "public information" as information "collected, assembled, or maintained" by a governmental body. Gov't Code § 552.002. You have indicated that the city has no written status report from Municipal Advisors, Inc. The Texas Open Records Act applies only to information in existence at the time a governmental body receives a request for the information. Open Records Decision Nos. 452 (1986), 342 (1982). The Act does not require a governmental body to create or prepare new information. Open Records Decision Nos. 572 (1990), 342 (1982). Therefore, the requested status report is not subject to the Open Records Act.

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

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 37526

cc: Mr. Henry Gomez
1220 Winnie
Galveston, Texas 77550