



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 5, 1998

Ms. Susan J. Barnett  
Assistant District Attorney  
Collin County Courthouse  
210 S. McDonald, Suite 324  
McKinney, Texas 75069

OR98-0018

Dear Ms. Barnett:

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# 112140.

The Collin County District Attorney (the "district attorney") received an open records request for the name, address, and offense for each person arrested in Collin County. The requestor also has asked that this information be provided to him on a continuing basis. You do not contend that the requested information is excepted from required public disclosure, but you state that the requested documents

are not documents created or kept in the regular course of business of the District Attorney's office. These types of documents are generally not in our office until the individual agencies file the cases with us.

Your response indicates that the district attorney possesses some documents that may be responsive to the request. To the extent that the district attorney currently maintains responsive information, that information must be released to the requestor.<sup>1</sup> We agree, however, that the Open Records Act does not require the district attorney to obtain information not in his possession or to prepare new information in response to an open records request. Open Records Decision No. 445 (1986) at 2.

---

<sup>1</sup>This ruling does not address the extent to which similar information held by the Collin County Sheriff's Office is subject to required public disclosure.

We also agree that the district attorney is not required under the Open Records Act to release information that is gathered in the future in response to the current request. A governmental body is not required to 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 district attorney must release only those requested records that he held at the time the open records request was received.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/RWP/rho

Ref.: ID# 112140

cc: Mr. Glen R. Peterson  
P.O. Box 311091  
New Braunfels, Texas 78130  
(w/o enclosures)