



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 23, 1998

Ms. Marva M. Gay
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR98-0777

Dear Ms. Gay:

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# 113773.

The Harris County Attorney's Office (the "county attorney") received a request for information relating to the filing of liens and any communications from state officials regarding the same. You state that the Harris County Clerk has no documents that are responsive to the requested items. You also argue that responding to the request for all of the requested information would require the county attorney to perform legal research, which is not required of the county attorney under section 552.227 of the Government Code.

Initially, with regard to your assertion that the county attorney or the Harris County Clerk is not the custodian of some of the information requested, we note that the Open Records Act does not ordinarily require a governmental body to obtain information not in its possession, Open Records Decision Nos. 558 (1990), 518 (1989), 499 (1988), or to obtain information from another entity, so long as the entity does not hold the information on behalf of the governmental body, Open Records Decision No. 534 (1989), or to obtain new information in order to comply with a request, Open Records Decision No. 561 (1990), or to take affirmative steps to create or obtain information that is not in its possession, Open Records Decision No. 534 (1989). However, a governmental body has a duty to make a good faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990) at 8. If the county attorney holds records from which the requested information can be obtained, he must provide that information to the requestor unless it is otherwise excepted from disclosure.

You also contend that answering the request would require the county attorney to perform legal research and that the county attorney is, therefore, not obligated to respond to

the request. In Open Records Decision No. 563 (1990), the requestor sought documents showing the authority of a non-profit corporation to engage in various activities. We ruled as follows:

While couched as requests for documents, these are essentially requests for federal and state laws and regulations governing the activities of the corporation and for a statement of the corporation's interpretation of these provisions. The Open Records Act does not require a governmental body to perform legal research for a requestor nor to answer general questions.

Id. at 8. All of the items requested are analogous to the request we dealt with in Open Records Decision No. 563 (1990), and we thus conclude, that the county attorney is not required to respond to the request since legal research is required to secure the information.

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,

Open Records Division
Office of the Attorney General

Ref.: ID# 113773

Enclosures: Submitted documents

cc: Mr. Harry L. Bowles
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