



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 10, 1998

Mr. James W. Smith, Jr.  
County Attorney  
County of Frio  
500 E. San Antonio Street, Box 1  
Pearsall, Texas 78061-3100

OR98-1642

Dear Mr. Smith:

You have asked 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# 116706.

Frio County (the "county") received a request for "a list of all persons arrested and booked in your county along with their addresses and phone numbers" from March, 1998 through the date of the request. The requestor also asked the county to provide this information in computer disk format on a regular weekly basis. You provided this office a representative sample of a list showing individuals arrested and booked.<sup>1</sup>

You assert that the county is not obligated to provide information in response to a standing request of this nature. A governmental body is not required to provide information that does not exist at the time a request for records is submitted. Open Records Decision Nos. 561 (1990) at 9 (city does not have to obtain new information); 483 (1987) at 2; 452 (1986) at 3 (open records request applies to information in existence when request is received); 362 (1983) at 2 (city does not have to supply information which does not exist). We agree that a governmental body is not required to comply with a standing request to provide information on a periodic basis as it is created. Attorney General Opinion JM-48; Open Records Decision Nos. 476 (1987), 465 (1987). The county may, but is *not required* under chapter 552 to provide information in response to this type of request for information on a periodic and regular basis.

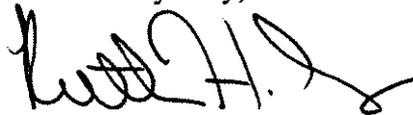
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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

However, the requestor also asked for information that does exist and covers a specific time period. You explain that certain out-of-state and federal prisoners are booked into the county detention facilities but that the information concerning these prisoners is not included because it is your understanding that a listing of these prisoners is not responsive to the request.<sup>2</sup> You discuss section 552.108 of the Government Code but do not assert that this exception is applicable to the information at issue. We also note that section 552.108(c) provides that basic information about an arrest or an arrested person and crime is not excepted from disclosure. Since you have raised no objection to its disclosure, the requested list for March 1 through April 20, 1998 must be released to the requestor.

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 116706

Enclosures: Submitted documents

cc: Mr. Philip A. Meyer  
Law Office of Philip Meyer  
740 Isom Road  
San Antonio, Texas 78216  
(w/o enclosures)

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<sup>2</sup>A governmental body is required to make a good faith effort to locate responsive records, Open Records Decision No. 561 (1990) at 8, but is not obligated to provide records that are non-responsive to the request.