



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 15, 1998

Mr. John Steiner  
City of Austin  
Norwood Tower 114 West 7<sup>th</sup> street  
P.O. Box 1546  
Austin, Texas 78767

OR98-2437

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118882.

The City of Austin (the "City") received a request for all bills, invoices, time records, payments made and supporting documents, "in detailed or summary form" for services provided by Albert Rodriguez and related to a lawsuit styled *Ira and Charlene Bedford et al. v. City of Austin*. You contend that the requested information is excepted from disclosure pursuant to sections 552.103 and 552.107 of the Government Code. You have submitted a statement which indicates the contractual payment limit and total amount actually billed by and paid to Mr. Rodriguez "on the Bedford Case (first trial)." We have considered the exceptions raised and the information provided.

A governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990). In this instance, rather than attempt to relate the request to all the responsive information that it holds, (e.g. dates and types of services performed, dates and method of billing, references to reports or other documents prepared) the City provided only gross dollar figures that do not summarize the requested information.

By letter dated September 18, 1998, our offices informed the City that "you must submit a copy of specific information requested or a representative sample of the information if the documents are numerous and repetitive"; we further informed you that the information that you had provided was "clearly neither representative nor exhaustive" of the responsive information. Pursuant to section 552.303(d) of the Government code you were informed that you had seven days to provide this office with the information you sought to withhold from disclosure. You were also informed that failure to provide the information would result in the legal presumption that the requested information is public, pursuant to section 552.303(e)

of the Government Code. You responded by letter dated September 21, 1998 and received by our offices September 23, 1998. In that letter you did not provide the requested information, but merely stated that "Our response is in summary form", implying that the submitted document complied with the request. That document is apparently derivative of the requested public records but is highly selective of the information contained therein. You have not indicated to our offices that the requester has agreed to your selection criteria or your omissions. A Governmental body may not discharge its duty to comply with the Open Records Act by releasing substitutes for requested information absent the specific agreement of the requestor to accept such substitutions. Open Record Decision No. 633 (1995).

We conclude that the City has not provided the required information within the statutory period. The responsive information is therefore presumed public and must be disclosed.

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,



Michael J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 118882

Enclosures: Submitted documents

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