



November 23, 1999

Mr. Jonathan Kaplan  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR99-3360

Dear Mr. Kaplan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130051.

The City of San Antonio (the "city") received a request for certain information related to city inspections of single family homes for the time period between January 1, 1989 to September 15, 1999. We note that your letter is not a request for an attorney general decision under section 552.301 of the Government Code as you do not seek a determination as to whether there is an applicable section of the Public Information Act which would except the requested information from public disclosure. Therefore, we address only the city's obligation to comply with the public information request as it was submitted to the city. Specifically, the request asks for:

"...all public information during the period of January 1, 1989, through September 15, 1999, regarding single-family home inspections in the City of San Antonio, where a final inspection was never done, has not been obtained, has been left open, has been disapproved or rejected, or has been canceled."

You indicate that the city does not have the information in a format which would include only the particular inspection information requested. The Public Information Act does in some instances, require the governmental body to provide information in a format specified by the requestor. *See* Gov't Code §§ 552.228, .231, .272. You assert, however, that the information is available in the form of individual reports that are located in a number of places and in a number of different forms, and that all of the information is available to the requestor, either on the city's internet site, on microfiche, or by request to the city for specific, individual reports. Our prior decisions have established that a governmental body is not required "to compile or extract . . . information if it can be made available by giving the requestor access to the records themselves." Open Records Decision Nos. 243 (1980),

127 (1976); *see also* Open Records Decision Nos. 144 (1976), 87 (1975). However, if a requestor wants copies of the information which has been requested, the city must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975); *see* Gov't Code § 552.353(a) (providing penalties for failure to provide copies of public information). The city may not deny a request simply because it is a burden to retrieve the requested information. Nonetheless, the city may be permitted to charge for the costs involved with complying with the request. Such charges must be assessed as provided by Government Code section 552.262 and rules promulgated by the General Services Commission.<sup>1</sup> If you have questions regarding the costs associated with this request, you should contact the Open Records Administrator at the General Services Commission at (512) 475-2497.

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.

Sincerely,



Carla Gay Dickson  
Assistant Attorney General  
Open Records Division

CGD/nc

Ref: ID# 130051

Encl. Submitted documents

cc: Mr. Thomas S. Harmon  
123 Brackenridge Boulevard, #345  
San Antonio, Texas 78209  
(w/o enclosures)

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<sup>1</sup>The Seventy-sixth Legislature recently amended Government Code section 552.271 to allow governmental bodies to charge for access to public records in certain situations. Act of May 25, 1999, 76<sup>th</sup> Leg., R.S., ch. 1319, § 18, 1999 Tex. Sess. Law Serv. 4500, 4508 (Vernon) (to be codified as an amendment to Gov't Code § 552.271).