



October 27, 2000

Ms. Patricia Ferguson  
Bosque County Attorney  
County of Bosque  
116 North Main Street  
P.O. Box 404  
Meridian, Texas 76665

OR2000-4184

Dear Ms. Ferguson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 140618.

The Bosque County District and County Clerk (the "county") received a request for information, as follows:

[A] copy of the list of current Grand Jury members who served on August 10, 2000, in Bosque County, Texas, designating the foreman of the Grand Jury for the current term of office for August 2000 through December 2000. Also, provide a copy of the rules and regulations requiring a taxpayer to send a stamped self-addressed envelope to obtain information from your office.

You indicate the county has provided the requestor the requested "rules and regulations" as well as a list of grand jurors that does not indicate the foreman. As to the request for the identity of the foreman, you represent that "[n]o record of that information exists in public records." You further assert that the Act does not require the county to create information in order to respond to this request, or to answer questions. Additionally, you state that the requestor has made an oral request for the addresses and phone numbers of the grand jurors. You assert that the grand juror addresses and phone numbers are excepted from public disclosure by section 552.101 of the Government Code in conjunction with article 19.42 of the Code of Criminal Procedure. The requestor has also submitted comments to this office.<sup>1</sup>

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<sup>1</sup>The requestor's comments, in large part, essentially constitute complaints alleging that the requestor has made prior requests for other information and has received no response. We do not address the complaints

See Gov't Code § 552.304. We have considered the exception you claim and reviewed the submitted information.

We first address the request for the identity of the foreman of the grand jury. It is implicit in several provisions of the Act that the Act applies only to information already in existence. See Gov't Code §§ 552.002, .021, .227, .351. Thus, this office has long held that the Act does not require a governmental body to prepare new information in order to respond to a request. Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975). The Act therefore does not require a governmental body prepare new information in order to answer questions. Open Records Decision No. 555 at 1-2 (1990). We thus agree with your assertion that the county is not required by the Act to prepare new information or to answer questions that have been posed by the requestor. However, we advise that a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 at 8 (1990). We rely on your representation that no records exists that would be responsive to the requestor's request for the identity of the grand jury foreman.

As to the requestor's oral request for the addresses and phone numbers of the grand jurors, we note that the Act is not implicated unless the governmental body receives a written request. See Gov't Code § 552.301(a), (c); Open Records Decision No. 304 at 2 (1982). We therefore do not address the section 552.101 assertion.

Finally, we note that the request appears to dispute the amount the requestor may be charged for copies of requested information. We advise that if you or the requestor have questions pertaining to the cost provisions of the Act, such questions should be directed to the General Services Commission at (512) 475-2497.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the

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in this decision, as they have been referred for investigation by Open Records enforcement staff. If you or the requestor have questions as to the status of the requestor's complaints, you or the requestor may contact our Open Government Hotline at (877) 673-6839 (877-OPEN TEX).

governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

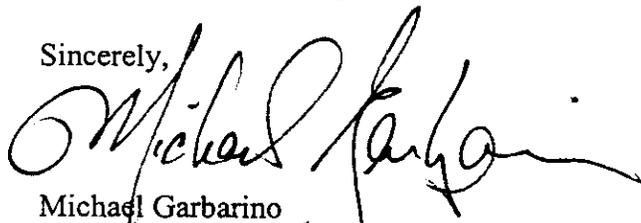
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael Garbarino  
Assistant Attorney General  
Open Records Division

MG/pr

Ref: ID#140618

Encl. Submitted documents

cc: Ms. Nancy Hodges  
615 East Lamar Blvd, Apt. 806  
Arlington, Texas 76011  
(w/o enclosures)