



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 30, 2007

Mr. Larry Thompson
Assistant District Attorney
Tarrant County
1025 South Jennings, Suite 300
Fort Worth, Texas 76104

OR2007-03557

Dear Mr. Thompson:

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# 274593.

The Tarrant County Hospital District (the "district") received a request for three items of information: (1) the explanation or basis as to the district's exemption from filing Form 990, (2) board of managers' agendas for 2006, and (3) board of managers' meeting minutes for the period beginning July 2006 and ending January 2007. You state that you have released information responsive to item two and most of item three. You state that, at the time of the request, the district did not have any other information responsive to item three of the request.¹ You contend the district is not required to respond to item one of the request. We have considered your arguments.

You assert that item one of the request seeks the answer to a tax-related question, arguing that "[t]he request is, in effect, for a legal interpretation of a statute or regulation." You claim the Act does not require the district to respond to this part of the request because the Act does not require a governmental body to answer factual questions, conduct legal research, or create new information in responding to a request. *See* Open Records Decision Nos. 563 at 8 (1990) (considering request for federal and state laws and regulations), 555 at 1-2 (1990) (considering request for answers to fact questions). In this instance, because

¹We note that the Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex.Civ.App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

the requestor is asking the district to answer a legal question or create new information, we conclude that the district is not required by the Act to respond to item one of the request. *See* Attorney General Opinion H-90 (1973); *see also* Open Records Decision Nos. 572 at 1 (1990) (the Act does not require a governmental body to prepare new information in response to a request). *But see* Open Records Decision Nos. 561 at 8-9 (1990) (governmental body must make a good faith effort to relate a request to the information it holds).

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 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).

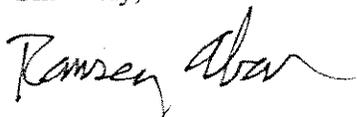
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. 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 Hadassah Schloss at the Office of the Attorney General 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,

A handwritten signature in cursive script that reads "Ramsey Abarca".

Ramsey Abarca
Assistant Attorney General
Open Records Division

RAA/eb

Ref: ID# 274593

c: Ms. Linda Jacobson
6324 Skylark Circle
Fort Worth, Texas 76180
(w/o enclosures)