



Office of the Attorney General

State of Texas

October 29, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. Mike Driscoll
Harris County Attorney
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR92-623

Dear Mr. Driscoll:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17188.

The Harris County Constable of Precinct 1 (the "constable") has received requests to inspect "the micro-fiche files known as 'the Alpha File' purchased from Texas Vehicle Information & Computer Services, Inc.," and "[a]ny and all personnel and training records" for certain deputy constables. You advise us that some of the information has been made available to the requestor. Moreover, the requestor has written to us withdrawing his request for personnel file information that you allege is excepted from required public disclosure. However, the requestor continues to seek access to the "Alpha File." You state that the "Alpha File" is a compilation of information that includes individuals' home addresses and telephone numbers. You also state that information in the "Alpha File" is not necessarily excepted from disclosure to the public, but you object to allowing the requestor to use the constable's micro-fiche machine to view the micro-fiche records. You also claim that unlisted telephone numbers in the "Alpha List" are excepted from public disclosure.

We will first consider whether the Open Records Act entitles the requestor to inspect the "Alpha File" by means of the constable's micro-fiche machine. You contend that the requestor

is not entitled to demand access to the Constable's micro-fiche and micro-fiche machine to effectuate his perusal . . . [because] this machine is the only micro-fiche machine available for the

Constable's usage and it is not located in a public area but is located in the midst of the Constable's office.

Generally, the Open Records Act does not require a governmental body to prepare information in a form requested by a member of the public. Open Records Decision No. 467 (1987). In Open Records Decision No. 571 (1990), this office held that the Open Records Act does not give members of the public a right to use a governmental body's computer to inspect records as an alternative to receiving a computer printout. Similarly, a governmental body is not obligated under the Open Records Act to provide microfilm copies of public information when the same information is available in another form. Attorney General Opinion DM-30 (1990). A governmental body may refuse to allow the public to duplicate records with portable equipment when it is unreasonably disruptive of working conditions, or when the records contain confidential information, or when safety or efficiency factors are at issue. Attorney General Opinion JM-757 (1987). However, if a governmental body prohibits a requestor from using his own machine to copy records, it must itself provide copies of the records. *Id.* Based on these rulings, we conclude that the requestor is not entitled to use the constable's micro-fiche viewer to inspect the "Alpha Files," but the constable must provide copies of the requested information to the requestor or permit him to inspect it in another format.

You claim that the home addresses and home telephone numbers of individuals listed in the requested "Alpha File" are "unlisted . . . [and] would not be generally accessible by the general public." An individual's home address and home telephone number are protected by neither common-law nor constitutional privacy interests. Open Records Decision No. 455 (1987); *see also* Open Records Decision No. 169 (1977). You have given us no basis by which to conclude that the "Alpha File" falls within any of the exceptions to disclosure enumerated under section 3(a) of the Open Records Act. We conclude, therefore, that the "Alpha File" may not be withheld from required public disclosure under the Open Records Act. *See* Open Records Decision No. 363 (1983).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-623.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Opinion Committee

SG/GCK/lmm

Ref.: ID#17188

Enclosures: Open Records Decision Nos. 571, 467, 455, 169
Attorney General Opinions DM-30, JM-757

cc: Mr. Kevin P. McDonnell
Attorney at Law
P. O. Box 27701-293
Houston, Texas 77227-7701