



Office of the Attorney General  
State of Texas

April 28, 1994

DAN MORALES  
ATTORNEY GENERAL

Ms. Barbara E. Elliott  
City Attorney  
City of Bedford  
P.O. Box 157  
Bedford, Texas 76095-0157

OR94-189

Dear Ms. Elliott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552 (formerly V.T.C.S. art. 6252-17a).<sup>1</sup> We assigned your request ID# 21554.

The City of Bedford (the "city") has received two broad requests for various categories of information, including, *inter alia*, water billing information, city telephone numbers, and city credit card information. You advise us that the city will make some of the requested information available to the requestor. You claim, however, that the request is unclear and unduly burdensome. Otherwise, you object only to releasing some of the information contained in the water billing records and claim that sections 552.101 and 552.110 of the Government Code except it from required public disclosure.

At the outset, we address your claim that sections 552.101 and 552.110 of the Government Code except some of the information contained in the water billing records. A prior decision of this office, Open Records Decision No. 443 (1986) (copy enclosed) resolves your request. Accordingly, we conclude that the city may not withhold the requested water billing information under sections 552.101 and 552.110 and must release it in its entirety.

Next, we address your assertion that the requests are unclear and unduly burdensome. Numerous opinions of this office have addressed situations in which a governmental body either has received an "overbroad" written request for information or a written request for unidentifiable information. For instance, in Open Records Decision No. 23 (1974) at 1-2 this office determined that "an agency may ask for a clarification if it

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<sup>1</sup>We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

cannot reasonably understand a particular request." More recently, in Open Records Decision No. 561 (1990) at 8-9 this office summarized the policy of this office with respect to requests for unidentifiable information and "overbroad" requests:

We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with broad requests for information rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).

*Id.* This line of opinions recognizes the practical difficulties governmental bodies may encounter in fulfilling their statutory duties under section 552.301(a) of the Government Code. Moreover, these opinions speak to the requirement set forth in section 552.224 that "[t]he officer of public records or the officer's agent shall give to a person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this chapter," *see, e.g.*, Open Records Decision Nos. 87 at 5; 23 at 1, and the policy stated in section 552.227 that "[a]n officer for public records or the officer's agent is not required to perform general research," *see, e.g.*, Open Records Decision Nos. 563 at 8, 555 (1990); 379 (1983) at 4; 347 (1982) at 1. If, in response to the request at issue here, you have made a good faith effort to relate the request to information in the city's possession and have helped the requestor to clarify his request by advising him of the types of information available, you have fulfilled your obligations under the act.

Finally, we note that the city is not required to provide access to records when to do so will reveal confidential information. Open Records Decision No. 512 (1988). Thus, to the extent that the requestor seeks access to records containing confidential information, the city may only provide copies of the requested records, provided that any confidential information is deleted.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Open Government Section

SLG/GCK/rho

Ref.: ID# 21554  
ID# 21790  
ID# 21830  
ID# 22164  
ID# 22827

Enclosures: Open Records Decision No. 443  
Submitted records

cc: A.K. Shipe  
1604 Martha Drive  
Bedford, Texas 76022  
(w/o enclosures)