



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1994

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR94-201

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25444.

The Texas Department of Public Safety (the "department") has received a request for information relating to "Operation Prickly Pear." The requestor seeks itemized cost records for the operation for March 1992 through March 1994, including all costs for all departments involved, such as overhead, payments in preparing reports, investigation surveillance, payments to cooperating individuals, costs of arrests and searches, and legal costs.

You write that "Operation Prickly Pear" was a federal investigation involving the "FBI, IRS, and Customs." The Narcotics Division of the department also assisted in the investigation. You state that the department does not have any cost figures calculated for this operation or any cost breakdowns like those listed in the request letter. The department would have to attempt to calculate from employee time sheets how many hours were spent on this operation. You do not believe that the Open Records Act requires the department to generate new information in order to comply with the request. In the alternative, you claim that sections 552.101, 552.103, and 552.108 of the Government Code except the requested information from required public disclosure.

The Open Records Act applies only to information in existence and does not require a governmental body to prepare new information. *See, e.g.,* Open Record Decision Nos. 572 (1990); 534 (1989); 483 (1987). 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 information that it is

unable to identify. 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).

Moreover, section 552.227 states 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. In response to the request at issue here, you must make a good faith effort to relate the request to information in the department's possession and must help the requestor to clarify her request by advising her of the types of information available. Beyond these requirements, however, the department need not generate new information in order to comply with the request.

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 contact this office.

Yours very truly,



Susan Garrison
Assistant Attorney General
Open Government Section

SLG/GCK/rho

Ref.: ID# 25444

cc: Ms. Kate Nuber McVey
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