



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1994

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR94-227

Dear Mr. Peck:

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# 25532.

The Texas Department of Criminal Justice (the "department") has received a request for "all available public documents (correspondence to and from your office with James "Jim" A. Mattox, etc.), subsequent to November 1990, on file with your agency and its departments regarding former Attorney General Jim Mattox." You advise us that the department has been unable to locate the requested information, but also do not deny the possibility that the requested information does exist. In the event that such information exists, you claim that sections 552.101, 552.103, 552.107, and 552.111 of the Government Code except it 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 Records Decision Nos. 572 (1990); 534 (1989); 483 (1987). Furthermore, the Open Records Act requires a governmental body that requests a ruling to supply this office with copies of the specific information requested. Gov't Code § 552.303. This office is unable to evaluate the exceptions to disclosure you raised without reviewing the information requested from you. We will address the asserted exceptions only when the requested information, if it exists, has been located and submitted to us for review. In the meantime, we assume that the requested information does not exist.

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,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive style with a large, prominent "M" and "R".

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 25532
ID# 25855
ID# 25830

cc: Mr. Patrick L. Woodson
P.O. Box 684243
Austin, Texas 78768