



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 14, 1995

Ms. Beverly J. Landers
Senior Supervising Attorney
Department of Law--Claims Division
City of Austin
P. O. Box 96
Austin, Texas 78767-0096

OR95-1427

Dear Ms. Landers:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 22932.

The City of Austin's Utility Customer Service Office received an open records request for two lists: a list of all water-wastewater, electric utility, and solid waste accounts for which payment is more than 90 days delinquent and a list of all electric and water-wastewater accounts that have had service cut off since January 1, 1992, because of nonpayment. The requestor asked that both lists include business and industrial customers as well as residential customers. The requestor also asked that both lists specify the customer's name, the customer's address and zip code, the amount due, the length of time the account has been past due, the category of service, and any action taken to collect the amount due. The requestor wants this information in the form of a computer tape or disk with a record layout describing how the information is presented.

You concede that most of the information requested is subject to required public disclosure under the Open Records Act. Furthermore, you are apparently willing to provide the information in paper form, although you indicate that providing the information on just one list will require you to generate and give the requestor more than 150,000 sheets of paper. However, you object to providing the information in the form

requested because doing so would require you to write a new computer program to produce the appropriate information on a computer tape or disk.¹

We conclude that you are not required to provide the information requested in this case on a computer tape or disk.² In many previous decisions, this office has concluded that requestors are not entitled to dictate the form in which they receive the information they request. *See, e.g., Open Records Decision Nos. 467 (1987) at 2, 145 (1976) at 1.* Your situation differs from the situations addressed in Attorney General Opinion JM-672 (1987) and Open Records Decision No. 571 (1990). In Attorney General Opinion JM-672, the Comptroller asked this office to address whether his office was required to make a computer inquiry to generate the requested information. Attorney General Opinion JM-672 (1987) at 3. You have already agreed to make a computer inquiry to generate the requested information in paper form; you merely object to being required to produce the information on computer tape or disk. In Open Records Decision No. 571 (1990), this office was asked to address whether the Open Records Act requires a governmental body to give requestors access to its computer to inspect records stored on the computer. The requestor in this case has not asked for access to the computer.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/KKO/ch

¹You also contend that some of the information requested is exempted from disclosure by section 552.101 of the Government Code in conjunction with article 1446h, V.T.C.S. However, this office addressed this argument in Open Records Decision No. 625 (1994).

²We note, however, that the law has changed since this request was made. As a general rule, if requested information exists in an electronic form, the city must provide the information on a computer tape or disk in response to any request made after August 31, 1995, for information in that form. *See Act of May 26, 1995, H. B. 1718, 74th Leg., R.S., ch 1035, § 15, 1995 Tex. Sess. Law Serv. 5127, 5135 (to be codified as Gov't Code § 552.228(b)).* The city may refuse to provide information on a computer tape or disk only if (1) the city does not have the technological ability to produce a copy in the requested medium; (2) the city would have to purchase software or hardware to accommodate the request; or (3) providing a copy of the information in the requested medium would violate a copyright agreement between the city and a third party.

Ref.: ID# 22932

Enclosures: Submitted documents

cc: Mr. Mike Todd
Reporter
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P. O. Box 670
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(w/o enclosures)

