



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 16, 1997

Mr. Michael Pichinson  
Assistant County Attorney  
County of Liberty  
P. O. Box 9127  
Liberty, Texas 77575-9127

OR97-1407

Dear Mr. Pichinson:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106641.

The County of Liberty (the "county") received a request for a variety of information concerning the manufacturer, installation and maintenance of "electrically operated doors at the Liberty County Jail." You have submitted to this office a letter stating that the county does not possess the information responsive to the request. Generally, the act does not require a governmental body to obtain information not in its possession from another entity or to obtain new information in order to comply with an open records request. See Open Records Decision Nos. 561 (1990), 558 (1990), 445 (1986); see also Open Records Decision Nos. 452 (1986) (document is not within the purview of Act if, when governmental body receives request for it, the document does not exist.). However, a governmental body has a duty to obtain requested information from another entity if that entity holds the information on behalf of that governmental body. See Open Records Decision No. 534 (1989) at 2. Thus, the act does not require the county to respond to this request for information if the information is not in its possession, unless Corrections Corporation of America holds the information on behalf of the county. We also note that a governmental body has duty to make a good faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990).<sup>1</sup>

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<sup>1</sup>Therefore, as a courtesy to the requestor, if the county has knowledge of where the requested information may be obtained, the county could refer the requestor to that source.

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 regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, stylized initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/rho

Ref: ID# 106641

cc: Mr. Oscar Cantu  
P.O. Box 2048  
Liberty, Texas 77575