



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 9, 1997

Ms. Leah Curtis Morris  
Law Offices of Harold F. Curtis  
2708 Washington Street  
Greenville, Texas 75401

OR97-2002

Dear Ms. Morris:

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# 109195.

The Greenville Public Works Department (the "department") received a request for:

1. Copies of your personal [sic] calendar confirming meeting Dawn Hayes had in your office July 2, 1997. Also confirmation of your visit to Mrs. Hayes home on July 3, 1997.
2. Transcript of the tapes made at the public meeting held June 30, 1997.
3. Copies of building permits issued for new houses dated as far back as Jan. 1989 to the present date of July 9, 1997. These permits would be the ones concerning Jamie Way, Tracy, Charlotte, Leatherwood, and Highland Oaks Streets.

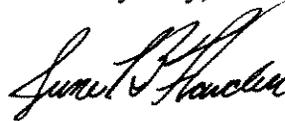
You state that copies of the work calendar and the building permits have been provided to the requestor. You question whether the department is required to transcribe the tape of the public meeting.

The Open Records Act does not require a governmental body to make available information which does not exist nor does it require a governmental body to prepare new

information. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 (1992), 362 (1983). The department must, nevertheless, make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975); see Gov't Code § 552.353 (providing penalties for failure to permit access to public information). Additionally when a governmental body provides a suitable copy of public information, the Open Records Act does not require the governmental body to make that information available in an additional format or medium dictated by the requestor. Attorney General Opinion DM-41 (1991). In this instance, you state that while a transcript of the tape does not exist, the requestor may listen to or purchase a copy of the tape in its present form. We conclude that since the requestor has been provided with a suitable copy of the information, the department is not required to produce the tape in the requested form.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/alg

Ref.: ID# 109195

cc: Ms. Dawn Hayes  
323 Jamie Way  
Greenville, Texas 75402  
(w/o enclosures)