



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 7, 1998

Ms. Claudia T. Bridges
Assistant District Attorney
Waller County
836 Austin Street, Suite 105
Hempstead, Texas 77445

OR98-0070

Dear Ms. Bridges:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 112072.

The Waller County District Attorney (the "district attorney") received a request for the following information "once each week on a continuing basis":

Sometimes referred to interchangeably as the 'first page of the incident report' or the 'jail activity report' or the 'first page of the arrest sheet' or 'front page of the offense report.' We request the names, addresses and offense for all persons arrested in your county.

You assert that the requested information is excepted from disclosure based on sections 552.107 and 552.108 of the Government Code. You also maintain that the act does not require the district attorney to comply with the request.

The act only applies to information already in existence. Gov't Code §§ 552.002, .021, .227. Thus, a governmental body is not required to comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. Attorney General Opinion JM- 48 (1983); Open Records Decision Nos. 476 (1987), 465 (1987).

Here, the requestor seeks information "once each week on a continuing bases." Thus, we conclude that the act does not require the district attorney to comply with this request.

However, to the extent the district attorney currently maintains responsive information, that information must be released to the requestor as you have not established the applicability of the exceptions you raise.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref: ID# 112072

cc: Mr. Glen R. Peterson
Attorney and Counselor at Law
P.O. Box 311091
New Braunfels, Texas 78130