



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 9, 1998

Mr. Don Shauburger
Chief Deputy
Liberty County Sheriff's Department
2400 Beaumont Avenue
Liberty, Texas 77575

OR98-0398

Dear Mr. Shauburger:

The County of Liberty Sheriff's Department (the "sheriff's department") received a request for information under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 112735.

The requestor's request is for the following information "once each week on a continuing basis . . . through E-Mail:"¹

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 have submitted to this office a letter stating that "[t]he request is broad; therefore, these documents are not subject to production." Furthermore, in your letter to this office, you contend that "[s]ince the request is over broad and vague, compliance is impossible."²

¹The Open Records Act does not require the preparation of information in a form requested by a member of the public. Open Records Decision No. 467 (1987).

²We note that when a governmental body is presented with a broad request for information rather than for specific records, it should advise the requestor of the types of information available so that he may narrow his request. Open Records Decisions Nos. 563 (1990), 561 (1990) (governmental body must make good faith effort to relate request to information which it holds).

We note that 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. 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 basis." Thus, we conclude that the act does not require the sheriff's department to comply with this request.

We further note that basic information normally found on the front page of an offense report about an arrested person, an arrest, or a crime, including a detailed description of the offense, is generally considered public. See 552.108(c); see generally *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

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,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref: ID# 112735

cc: Mr. Glen R. Peterson
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