



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 14, 1998

Mr. J. Robert Giddings
The University of Texas System
Office of General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR98-0940

Dear Mr. Giddings:

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# 114300.

The University of Texas System (the "system") received an open records request for the following records:

- (1) a copy of all reports, audits, evaluations and investigations made of, by or for The University of Texas at Austin IC2/C2E, and each of its departments, programs and personnel; and
- (2) a copy of all reports, audits, evaluations and investigations made of, by, or for the Asset Management function of the University of Texas and Texas A&M University Systems.

You state that the system possesses no records that are responsive to Item 1.¹ With regard to Item 2, you explain that

[a]bsent a time frame for reference purposes, item (2) is a very broad and global request since it could be construed as seeking many decades of documents spanning most of the 20th century. Accordingly, the scope of this request has made it difficult, if not impossible, to determine what documents are responsive to [the] request.

¹The Open Records Act does not require a governmental body to obtain information not in its possession or to prepare new information in response to a requestor. Open Records Decision No. 445 (1986).

We agree that the open records request as written is overly broad as to the records being sought. When a requestor makes an overly broad request, the governmental body should make a good faith effort to advise the requestor of the types of documents available so that the requestor may narrow the request. *See* Open Records Decision No. 87 (1975).

In this instance, you have demonstrated that the system has acted in good faith by responding to the requestor within ten days of its receipt of the request to seek clarification of this aspect of his request. *See* Gov't Code § 552.222(b). We therefore deem the ten-day deadline for requesting an open records decision as tolled. *See* Open Records Decision No. 333 (1982). Accordingly, the system need not act further on this request until such time that the requestor narrows his request. The system will have ten business days from the date of receipt of the clarification to request an open records decision from this office and raise specific exceptions to disclosure with regard to the records at issue.

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 questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 114300

Enclosures: Submitted documents

cc: Mr. Stephen N. Lisson
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