



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 11, 1998

Ms. Myra McDaniel
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443

OR98-1203

Dear Ms. McDaniel:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114649.

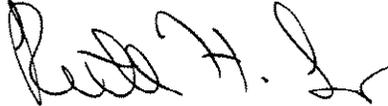
Austin Community College ("ACC"), which you represent, received a request for information about a "Sexual Harassment case dated February 6, 1997" and another named case. You state that documents responsive to the request have been provided to the requestor.¹ ACC also provided the requestor with part of a February 19, 1997 memorandum that contains details about the sexual harassment allegation. The remaining portion of the memorandum, which addresses other issues, has not been released. You contend that the request does not extend to information in the memorandum "other than that pertaining to the sexual harassment case."

We note initially that ACC has an obligation to make a good faith effort to locate records that are responsive to the open records request. Open Records Decision No. 561 (1990) at 8. However, ACC is not obligated to provide to the requestor information that is not responsive to the request. Thus, if ACC has determined that the submitted information is not responsive to this request, it does not have to provide that information or to seek a ruling from this office.

¹We note that since the requestor is the victim of the alleged sexual harassment, we need not address the applicability of common-law privacy in this situation. However, please note that some information released to this requestor would not generally be subject to public release. *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied).

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 114649

Enclosures: Submitted documents