



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1998

Mr. Helmut F. Talton
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR98-1230

Dear Mr. Talton:

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# 115694.

The Texas Department of Transportation (the "department") received a request for eight categories of information concerning intersections on highways in Texas, particularly the Patton Village "Crossover" (the "Crossover") in Montgomery County. You claim that the requested information concerning the Crossover is excepted from disclosure under section 552.103 of the Government Code. You state that the information concerning the Crossover was the subject of another ruling from this office, Open Records Decision No. 98-0640 (1998). As you assert that the records ruled upon in OR98-0640 (1998) are representative of the material concerning the Crossover, we conclude you may rely on OR98-0640 (1998) to withhold that information from disclosure.¹ As for the remainder of the requested information, you express concern that the request is overly broad and that you cannot determine with specificity the documents sought by the requestor. Numerous opinions of this office have addressed situations in which a governmental body has received either an "overbroad" written request for information or a written request for information that the governmental body is unable to identify. Open Records Decision No. 561 (1990) at 8-9 states:

We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental

¹We assume that the records ruled upon in OR98-0640 (1998) are truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that ruled upon in OR98-0640 (1998).

body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with broad requests for information rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).

In response to the request at issue here, the department must make a good-faith effort to relate the request to the information in the department's possession and must help the requestor to clarify her request by advising her of the types of information available. We note that if a request for information is unclear, a governmental body may ask the requestor to clarify the request. Gov't Code § 552.222(b); *see also* Open Records Decision No. 561 (1990) at 8. In this case, you state that you have asked the requestor to clarify her request for information. Having timely requested this clarification, we conclude that you need not respond to remaining requested information until such time as the request is clarified.

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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 115694

Enclosures: Submitted documents

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(w/o enclosures)