



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 4, 1998

Ms. Susie Green
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR98-2126

Dear Ms. Green:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117810.

The City of Galveston (the "city") received a request for "the schedules for vacation and compensatory time off . . . for all non-civil service employees." You assert that the city need not respond to the request because the city's personnel department does not have in its possession the "compiled time off schedules for all city employees."

The Open Records Act does not require a governmental body to make available information which does not exist nor does it require a governmental body to prepare new information. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 (1992), 362 (1983). The city must, nevertheless, make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975); see Gov't Code § 552.353 (providing penalties for failure to permit access to public information). Thus, if the requested information is contained in any public information, including individual employee time records, held by any department of the city, it must be released. Gov't Code 552.221. If no records of any non civil service city employee's vacation and compensatory time off exist, you need not respond to the request.

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 that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/nc

Ref: ID#117810

cc: Mr. John Lobaugh
P.O. Box 3460
Galveston, Texas 77552
(w/o enclosures)