



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 21, 1998

Ms. Cheryl Elliott
General Counsel
Texas Southern University
3100 Cleburne Avenue
Houston, Texas 77004

OR98-2255

Dear Ms. Elliott

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118235.

Texas Southern University (the "university") received a request for the following:

- (1) copy of (university) president James Douglas' original and most recent contract as president, and
- (2) transcripts and tapes regarding the appointments, with supporting (records), of President Douglas.

You state that no records exist that are responsive to the request for the current contract and the original contract. Assuming that this is correct, and that the university indeed has no employment contract for its president, we agree that the university is not obligated to provide documents that do not exist. Open Records Decision Nos. 561 at 9 (1990) (governmental body does not have to obtain new information), 362 at 2 (1983) (governmental body does not have to supply information which does not exist).

As to the other information requested, you assert that the only record that is responsive was previously provided to this office in connection with Open Records Letter No. 98-1924 (1998). In ORL 98-1924 the requestor asked for a copy of the "president's performance review referenced during the (university) Board of Regents meeting on May 22, 1998." Relying upon your assertion that the performance review information considered in ORL 98-1924 is the *only* information which is responsive to the current request for "transcripts and tapes" and "supporting documentation," we conclude that you must comply with that ruling. In

ORL 98-1924, this office informed you that information concerning the president's performance review may not be withheld from public disclosure on the basis of privacy. We directed you to release the responsive records, except for information that might be protected from disclosure under section 552.117. A copy of that ruling is enclosed for your convenience.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 118235

Enclosures: Open Records Letter No. 98-1924 (1998)

cc: Mr. Jim Thompson
African-American Legal Defense Group
P.O. Box 91212
Houston, Texas 77291-1212
(w/Open Records Letter No. 98-1924 (1998))