



February 24, 1999

Mr. Edgar O. Coble, Jr.
Attorney and Counselor at Law
2200 Forest Park Boulevard
Fort Worth, Texas 76110

OR99-0536

Dear Mr. Coble:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your requests were assigned ID#s 122311 and 122749.

The Grand Prairie Independent School District (the "district"), which you represent, received the two above referenced requests for information. These requests related to an investigation conducted by the United States Department of Justice, Office for Civil Rights ("OCR"). You contend that the information responsive to these requests is excepted from public disclosure by section 552.103 of the Government code.

We note that on February 22, 1999, our office issued Open Records Letter No. 99-0512 (1999), which addressed the information that is subject to these requests and the exception to disclosure you raise here. The findings of that letter ruling are applicable to the subject requests.

We note that the current requests include categories of information not addressed in Open Records Letter No. 99-0512 (1999). The district represents that it is not now and has never been in possession of any information in these categories. A governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). However, it is implicit in several provisions of the Open Records Act that the Act applies only to information already in existence. *See* Gov't Code §§ 552.002, .021, .227, .351. The Open Records Act does not require a governmental body to prepare new information in response to a request. Open Records Decision No. 572 (1990).

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref:: ID# 122311

Enclosures: Copy of Open Records Letter No. 99-0512

cc: Ms. Mary Duclar
Fort Worth Star-Telegram
P.O. Box 1870
Fort Worth, Texas 76101`
(w/copy of Open Records Letter No. 99-0512))