



September 24, 2001

Ms. Dawna R. Carr
Escamilla & Poneck, Inc.
South Texas Building
603 Navarro Street, Suite 1200
San Antonio, Texas 78205

OR2001-4281

Dear Ms. Carr:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 152310.

The San Antonio Housing Authority ("SAHA"), which you represent, received a request for information relating to (1) certification of employees of SAHA to use Freon; (2) employment of residents by SAHA; (3) a report that a former resident failed to account for residential funds; and (4) an allegation that an employee of SAHA sexually harassed two other employees. By letter dated July 20, 2001, you asked this office for a decision under section 552.301 of the Government Code and raised exceptions to disclosure under sections 552.101, 552.102, 552.103, 552.107, 552.108, 552.111, 552.116, and 552.117. You subsequently informed this office, however, that "[a]fter a closer review of the correspondence from [the requestor], we are of the opinion that all of the 'requests' are actually fact questions posed to SAHA[.]" Your letter of July 27, 2001, goes on to state that "[b]ecause the inquiries by [the requestor] do not invoke the application of the Public Information Act, we formally withdraw our request for an Attorney General decision under Section 552.301 of the Texas Government Code."

We agree that the Public Information Act does not require a governmental body to answer general questions, perform legal research, or create new information in response to a request for information. However, the Act does require the governmental body to make a good faith effort to relate a request to information that the governmental body holds or to which it has access. *See Open Records Decision Nos. 563 at 8 (1990), 561 at 8-9 (1990), 555 at 1-2 (1990), 534 at 2-3 (1989).* The fact that a request for information is stated in the

form of a question does not relieve the governmental body of its responsibility to make a good faith effort to identify information that is responsive to the request. Therefore, to the extent that SAHA holds or has access to information that is responsive to this request, that information must be released. *See* Gov't Code §§ 552.301, .302.¹

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

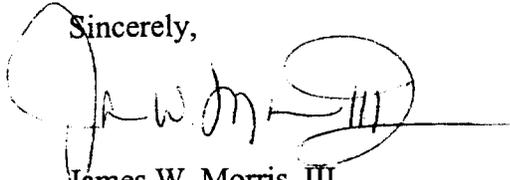
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

¹SAHA is not required, however, to reproduce responsive information on its letterhead or to execute attestations. *See generally* Gov't Code §§ 552.221, .228; Open Records Decision No. 664 (2000).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "J W Morris III", with a horizontal line extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 152310

c: Mr. Robert L. Beltran
Mail Boxes Etc., #1317
5150 Broadway
San Antonio, Texas 78209