



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 6, 2007

Mr. Anthony S. Corbett  
Freeman & Corbett, LLP  
8500 Bluffstone Cove, Suite B-104  
Austin, Texas 78759

OR2007-08544

Dear Mr. Corbett:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 283100.

The Brushy Creek Municipal Utility District (the "district"), which you represent, received a request for "[a]ll documents concerning the anticipated construction of the Cornerstone Lift Station and Interceptor." The requestor seeks the information in "PDF" format on a compact disk. You state that the district has previously released all of the requested information electronically in "TIFF" format. You claim that the district is not required by the Act to provide the requestor with the information in "PDF" format. We have considered your arguments.

Section 552.228 of the Government Code requires "[i]f public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in *the requested medium*" if certain conditions are met. Gov't Code § 552.228(b) (emphasis added). We note that the Act does not generally require a governmental body to produce information in the particular format requested. See *A&T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W.3d 678, 681 (Tex. App.—Eastland, pet. denied); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3, 342 at 3 (1982), 87 (1975).

In this instance, you state that you have provided the requestor with the requested information in the requested medium, i.e. electronically on a compact disk. We find that the district complies with its duties under the Act if it provides the requestor with a compact disk containing the responsive information, and that the district need not provide the information in the particular format the requestor seeks.

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).

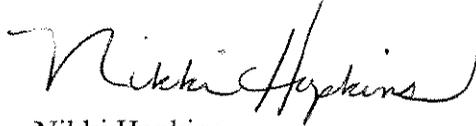
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. 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 Office of the Attorney General at (512) 475-2497.

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 cursive script that reads "Nikki Hopkins". The signature is written in black ink and is positioned above the typed name.

Nikki Hopkins  
Assistant Attorney General  
Open Records Division

NH/sdk

Ref: ID# 283100

c: Mr. John C. McLemore  
8400 Cornerwood Drive  
Austin, Texas 78717-5340