



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 7, 2009

Chief Jim Rutledge  
Chief of Police and Town Administrator  
Town of Westover Hills  
5824 Merrymount Road  
Fort Worth, Texas 76107

OR2009-09330

Dear Chief Rutledge:

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# 348200.

The Town of Westover Hills (the "town") received two requests from the same requestor for copies of the top ten residential water users in the town's system, including the name, address, and monthly water use data of each of these users. You indicate that the town does not maintain records that are responsive to this request.

We note that a governmental body is not required to answer factual questions, conduct legal research, or create new information in responding to a request for information under the Act. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). Likewise, the Act does not require a governmental body to take affirmative steps to create or obtain information that is not in its possession, so long as no other individual or entity holds such information on behalf of the governmental body that received the request. *See* Gov't Code § 552.002(a); Open Records Decision Nos. 534 at 2-3 (1989), 518 at 3 (1989). A governmental body must make a good-faith effort, however, to relate a request to any responsive information that is within its possession or control. *See* Open Records Decision No. 561 at 8-9 (1990).

You explain that the town makes bulk purchases of water from the City of Fort Worth and then sells this water to its customers. You further explain that the town's water billing is generally handled by an outside source and neither the town, nor its billing service, has kept

a record that ranks its water customers by quantity of water used on either a monthly or fiscal year basis. Based on these representations, we find the town need not compile and release any requested record that did not exist when the town received this request for information. However, the town must make a good-faith effort to relate this request to any responsive information that did exist in a form other than a list when the request was received. To the extent that such information existed in a form other than a list of water customers ranked by water usage when the town received this request, the town must release any such information immediately. *See* Gov't Code §§ 552.221, .301, .302; Open Records Decision No. 664 (2000).

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/eeg

Ref: ID# 348200

Enc. Submitted documents

c: Requestor  
(w/o enclosures)