



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 24, 2009

Ms. Yolanda Coroy
Counsel for the City of South Houston
2211 Norfolk, Suite 735
Houston, Texas 77098

Mr. Dick H. Gregg, Jr.
Gregg & Gregg, P.C.
16055 Space Center Boulevard, Suite 150
Houston, Texas 77062

OR2009-11858

Dear Ms. Coroy and Mr. Gregg:

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# 353113.

The City of South Houston (the "city"), which you represent, received a request for (1) the "label printing information" obtained by a named individual from a specific computer during a specified time period and (2) the response letter sent to a named individual regarding the "label printing information." You claim that the submitted information is not subject to the Act. We have considered the submitted arguments and reviewed the submitted information.¹

¹Although the city initially raised sections 552.102, 552.103, 552.107, 552.108, 552.109, 552.111, 552.117, and 552.136 of the Government Code, you have not provided any arguments in support of these exceptions. Thus, we assume that the city no longer asserts these claims as exceptions against disclosure. *See* Gov't Code § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested).

Initially, you contend that "the request is vague" and "does not specifically disclose what documents are sought."² You also indicate that identifying responsive records would involve general research.³ Nevertheless, you have submitted information that you believe is responsive to the request. We note that a governmental body must make a good-faith effort to relate a request to information that is within the governmental body's possession or control. *See* Open Records Decision No. 561 at 8-9 (1990). Moreover, a governmental body may not refuse to comply with a request on the ground of administrative inconvenience. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976) (cost or difficulty in complying with predecessor of Act does not determine availability of information); Open Records Decision No. 497 (1988). Further, we note that the request in this instance specifically describes the documents at issue. Thus, we will determine whether the submitted information is excepted from disclosure.

You also assert the submitted documents are not subject to the Act. The Act is applicable to "public information." *See* Gov't Code § 552.021. Section 552.002 of the Act provides that "public information" consists of "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it." *Id.* § 552.002(a). Thus, virtually all information that is in a governmental body's physical possession constitutes public information that is subject to the Act. *Id.* § 552.002(a)(1); *see also* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). You contend the submitted information does not consist of "public information" as defined by the Act. After reviewing the information at issue, however, we note the submitted information consists of a "log file" from a city computer and a letter to a councilwoman regarding a request for information. We find that this information was collected, assembled, or maintained by the city in connection with the transaction of official business. We therefore conclude that this information constitutes "public information" as defined by section 552.002(a) and is subject to disclosure under the Act. As you make no further arguments against disclosure, the submitted information must be released.

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.

²We note that in the future, if the city receives a request that it considers overly broad or ambiguous, then the city should ask the requestor to clarify or narrow the request. *See* Gov't Code § 552.222(b).

³The Act does not require a governmental body to answer factual questions, conduct research, or create new information in responding to a request. *See* Gov't Code § 552.227; *see also* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990).

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, 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/cc

Ref: ID# 353113

Enc. Submitted documents

cc: Requestor
(w/o enclosures)