



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 23, 2009

Mr. Rider Scott  
Strasburger & Price, LLP  
Attorney for City of Willow Park  
2801 Network Boulevard, Suite 600  
Frisco, Texas 75034

OR2009-16669

Dear Mr. Scott:

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# 362231.

The City of Willow Park (the "city"), which you represent, received a request for the name, address, and gallons used of the top ten commercial and residential water users in 2008, and the city's total water use. You state that the records related to the city's total water use will be made available for review by the requestor. You claim the information related to the top ten water users does not exist in the format requested. We have considered your argument.

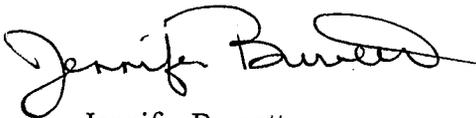
We understand you to assert that the city does not maintain a record that ranks water users based on quantity of water used. You assert that the retrieval of the information related to the top ten water users "would require the city to perform general research for the requestor." We note the Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986). We also note that the Act does not require a governmental body to answer factual questions, conduct legal research, or create new information in responding to a request. *See Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990)*. However, a governmental body must make a good faith effort to relate a request to information held by the governmental body. *See Open Records Decision No. 561 at 8 (1990)*. Therefore, while the city is not required to create a document in

response to the request at issue, to the extent documents from which this information may be derived existed on the date the city received the request, any such documents must be released at this time. *See* Gov't Code §§ 552.301(a), 302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). We caution, however, that the Act imposes criminal penalties for the release of confidential information. *See* Gov't Code § 552.352.

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, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/rl

Ref: ID# 362231

Enc. Submitted documents

c: Requestor  
(w/o enclosures)