



January 6, 2015

Mr. Robert J. Davis
Counsel for the County of Collin
Matthews, Stein, Shiels, Pearce, Knott, Eden & Davis, L.L.P.
8131 LBJ Freeway, Suite 700
Dallas, Texas 75251

OR2015-00148

Dear Mr. Davis:

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# 548911 (Collin County File No. 1600-66169).

The Collin County Sheriff's Office (the "sheriff's office"), which you represent, received a request for information pertaining to incidents of sexual assault or sexual misconduct at the sheriff's office's facilities during a specified time period, including the number of such incidents and other factual information. You claim the request for information requires the sheriff's office to answer questions and, therefore, is not a proper request. We have considered your argument.

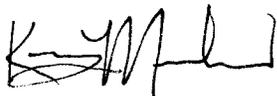
You assert the request only asks the sheriff's office to answer questions. The Act does not require a governmental body to answer factual questions, conduct legal research, or create new information in responding to a request. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). Likewise, 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 the information on behalf of the governmental body that receives the request. *See* Gov't Code § 552.002; Open Records Decision Nos. 534 at 2-3 (1989), 518 at 3 (1989). However, a governmental body must make a good-faith effort 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). We find at least the portion of the request seeking the number of incidents of sexual assault or sexual misconduct at the sheriff's

office's facilities could relate to responsive information within the sheriff's office's control. Therefore, because the sheriff's office has not provided any information responsive to the request for information, if the sheriff's office holds records from which any of the requested information can be obtained, the sheriff's office must release such information at this time to the extent such information existed and was maintained by the sheriff's office on the date the sheriff's office received the request. *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).

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 548911

c: Requestor