



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2015

Mr. George McCrea
District Attorney
119th Judicial District
124 West Beauregard
San Angelo, Texas 76903-5850

OR2015-18789

Dear Mr. McCrea:

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# 580346.

The 119th Judicial District Attorney's Office (the "district attorney's office") received a request for the names of all individuals who have previously held the position of Assistant District Attorney in three specified counties during a specified time frame. You state the district attorney's office has no information responsive to this request.

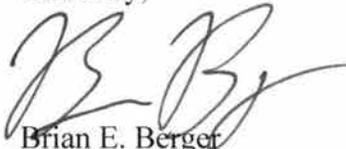
You assert the district attorney's office "does not maintain a list of previously employed Assistant District Attorneys" and "the information responsive to this request is exempted from disclosure because it does not exist." The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ *dism'd*); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983). We note, however, a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. *See* Open Records Decision No. 561 (1990). Thus, to the extent the district attorney's office maintains records from which the requested information may be obtained, such as personnel records, they are responsive to this request. The district attorney's office has not submitted for our review any information responsive to the request for information. Therefore, to the extent records from

which the requested information can be obtained existed and were maintained by the district attorney's office on the date it received the request, the district attorney's office must release such information at this time. *See* Gov't Code §§ 552.022(a)(2) (providing the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body are expressly public under section 552.022 of the Government Code and may not be withheld unless made confidential under the Act or other law), 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,



Brian E. Berget
Assistant Attorney General
Open Records Division

BB/akg

Ref: ID# 580346

c: Requestor