



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 22, 2015

Mr. Brendan W. Guy
Assistant Criminal District Attorney
Victoria County District Attorney's Office
205 North Bridge, Suite 301
Victoria, Texas 77901-8085

OR2015-19768

Dear Mr. Guy:

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# 580124.

The Victoria County Criminal District Attorney's Office (the "district attorney's office") received a request for the names of all individuals who have held the position of assistant district attorney for a specified time period. You claim the district attorney's office does not possess the requested information. We have considered your arguments.

Initially, you state the district attorney's office does not possess information responsive to the request. 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). Furthermore, the Act does not require a governmental body to compile information or prepare new information. *See Economic 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). 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). While the district attorney's office is not required to create documents that did not exist when it received the request, documents from which the requested information may be derived are responsive to this request. Additionally, to the extent this information exists, the district attorney's office may only withhold that information if an exception to disclosure

is applicable. We note you have not submitted information responsive to the request. Thus, to the extent any information responsive to this request existed when the present request was received, it must be released. *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,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/bhf

Ref: ID# 580124

Enc. Submitted documents

c: Requestor