



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 21, 2015

Ms. Karla Baugh Hackett
Assistant Criminal District Attorney
County of Grayson
200 South Crockett
Sherman, Texas 75090

OR2015-22109

Dear Ms. Hackett:

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# 584110.

The Grayson County Criminal District Attorney's Office (the "district attorney's office") received a request for (1) the number of aggravated assault cases, including those with serious bodily injury, filed during a specified time period by the Sherman Police Department (the "department") with an arrest or warrant issued for a suspect or defendant; (2) the number of aggravated assault cases filed with serious bodily injury and an arrest warrant which were indicted by a Grand Jury during a specified time period; (3) the number of aggravated assault cases filed during a specified time period by the department as Grand Jury Referral cases; (4) the number of aggravated assault cases with serious bodily injury that have been filed during a specified time period by the department as Grand Jury Referral cases; and (5) the number of aggravated assault cases filed with serious bodily injury and without an arrest warrant which were indicted during a specified time period. You claim the district attorney's office does not possess the requested information in the requested format. We have considered your arguments.

Initially, you state the district attorney's office does not possess the compiled statistics as requested above. 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/som

Ref: ID# 584110

c: Requestor