



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 15, 2020

Mr. Craig M. Price  
Assistant Criminal District Attorney  
Grayson County  
200 South Crockett Street, Suite 116A  
Sherman, Texas 75090

OR2020-13816

Dear Mr. Price:

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# 828964.

Grayson County (the "county") received two requests from the same requestor for information relating to certain county policies, including information related to crimes committed by elected officials. You assert the requests for information are not proper requests for public information under the Act. In the alternative, you claim the requested information is excepted from disclosure under sections 552.103, 552.108, and 552.111 of the Government Code. We have considered your arguments.

Initially, we address your claim the instant requests were not proper requests for information to the county under the Act. This office has held a written communication that reasonably can be judged to be a request for public information constitutes a request for information under the Act. *See* Open Records Decision Nos. 497 at 3 (1988), 44 at 2 (1974). In this regard, we note a request for information need not refer to the Act or be addressed to the officer for public information. ORDs 497 at 3, 44 at 2. In this case, the requests were submitted to and received by the county and seek information in the county's custody. Thus, we find the instant requests to be valid information requests. We note the Act does not require a governmental body to answer general questions, perform legal research, or create new information in response to a request for information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990). However, the Act does require a governmental body to make a good-faith effort to relate a request for information to information the governmental body holds or to which it has access. *See* Open Records Decision Nos. 563, 561 at 8-9 (1990), 555 at 1-2, 534 at 2-3 (1989). Accordingly, to the extent the county has information responsive to the instant

requests, we must address the county's procedural obligations under section 552.301 of the Government Code.

Pursuant to section 552.301(e) of the Government Code, a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *See* Gov't Code § 552.301(e). We note the county received the instant requests on February 20, 2020. As of the date of this letter, the county has not submitted for our review a copy or representative sample of the requested information. Consequently, to the extent the county has information responsive to the instant requests, we find the county failed to comply with section 552.301 of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ). Because you have not submitted the requested information for our review, we have no basis for finding any of the information excepted from disclosure. Thus, we have no choice but to order any responsive information, to the extent it exists, released pursuant to section 552.302 of the Government Code.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

James M. Graham  
Assistant Attorney General  
Open Records Division

JMG/jlbm

Ref: ID# 828964

c: Requestor