



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 12, 2022

Ms. Robin Hill O'Donoghue
Counsel for Nacogdoches County
Flowers Davis, P.L.L.C
1021 East South East Loop 323, Suite 200
Tyler, Texas 75701

OR2022-01054

Dear Ms. O'Donoghue:

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# 924965.

Nacogdoches County (the "county"), which you represent, received a request for two specified lists of individuals. You state the requested information does not exist. In the alternative, you claim the requested information would be excepted from disclosure under section 552.103 of the Government Code. We have considered your submitted arguments.

You contend the requested lists do not exist. 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), 452 at 3 (1986), 362 at 2 (1983). However, the Act does require the governmental body to make a good faith effort to relate a request to information that the governmental body holds or to which it has access. *See* Open Records Decision Nos. 563 at 8, 561 at 8-9 (1990), 555 at 1-2, 534 at 2-3 (1989). Therefore, while the county is not required to create information in response to the request at issue, documents from which this information may be derived would be responsive to this request. Accordingly, to the extent any such documentation exists from which the requested information could be derived, that information would be responsive to the request, and it must be released unless it falls within an exception to disclosure. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release

information as soon as possible). Although you raise an exception to disclosure, because you have not submitted the requested information for our review, we have no basis for finding any of this information excepted from disclosure. Thus, to the extent any documentation exists from which the requested information could be derived, we have no choice but to order such information 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,

Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/jm

Ref: ID# 924965

c: Requestor