



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2022

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

OR2022-07729

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# 936903.

The Grayson County Criminal District Attorney's Office (the "district attorney's office") received a request for "existing records and/or documentation showing a case listing of all Driving While Intoxicated 2nd convictions" during a specified time period. The district attorney's office claims it does not possess the requested information in the requested format. We have considered the district attorney's office's argument.

The district attorney's office contends the requested case listing does not exist in the format requested by the requestor. 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 district attorney's office 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). Because the district attorney's office has 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/jxd

Ref: ID# 936903

c: Requestor