



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 361

February 14, 1997

Whether a regulatory agency is required to comply with a former employee's request to provide a list of "matters" that the former employee worked on during his or her tenure at the agency. (AOR-398)

The Texas Ethics Commission has been asked to consider whether a regulatory agency is required to comply with a former employee's request to provide a list of "matters" that the former employee worked on during his or her tenure at the agency.

Chapter 572 of the Government Code contains two "revolving door" provisions that place restrictions on former officers and employees of state regulatory agencies. Gov't Code § 572.054. Section 572.054(b) prohibits a former employee of a state regulatory agency from representing a person or receiving compensation for services rendered on behalf of a person regarding *a particular matter* in which the former employee participated during his or her tenure with the agency. For purposes of that provision, a "particular matter" is "a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding." *Id.* § 572.054(h)(2). There is nothing in chapter 572 of the Government Code that places an obligation on a state agency to provide a former employee with a list of matters in which the former employee participated. The "revolving door" laws govern the actions of former officers and employees, not the actions of state regulatory agencies.

A former employee is, of course, entitled to request information under the Open Records Act. *Id.* ch. 552. Previous attorney general opinions have stated, however, that the Open Records Act does not require an agency to prepare new information or to prepare answers to questions. Open Records Decision Nos. 617 (1993); 555 (1990). *But see* 552.272 (information stored in electronic medium; programming or manipulation of data).

SUMMARY

Chapter 572 of the Government Code does not place an obligation on a state agency to provide a former employee with a list of matters in which the former employee participated.