



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

August 6, 1990

Mr. Charles E. Griffith, III
Deputy City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR90-359

Dear Mr. Griffith:

By letter of July 25, 1990, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10185.

You received a request under the Open Records Act for documents describing the distribution of funds from the State Department of Highways and Public Transportation to Austin's Department of Planning and Development as well as documents relating to studies of the social, economic, and environmental impacts of certain proposed roadways. You claim on the basis of section 6(1) of article 6252-17a, V.T.C.S., as interpreted by Attorney General Opinion H-90 (1973), that these reports do not become public information until they are completed, and that they need not be disclosed in partially completed form.

The construction of section 6(1) stated in Attorney General Opinion H-90 has been expressly overruled. Open Records Decision No. 344 (1982), a copy of which is enclosed, states as follows:

It does not logically follow . . . that making specifically public certain reports, audits, etc., upon completion is equivalent to closing such reports, audits, etc., to the public prior to completion.

Open Records Decision No. 344 at 5. See also Open Records Decisions Nos. 407 (1984), 280 (1981). Accordingly, the requested documents are not excepted from disclosure by section 6(1). You raise no other exception. The documents must be made available to the requestor.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-359.

Yours very truly,

Susan Garrison

Susan Garrison *by JDM*
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 10185

Enclosure: Open Records Decisions Nos. 280, 344, 407
Documents Submitted

cc: Roger C. Baker Jr.
1303 Bentwood Road
Austin, Texas 78722