



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

May 20, 1991

Mr. Mark R. Paisley
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Adami & Paisley, P.C.
601 East Main Street, Fourth Floor
P.O. Box 331
Alice, Texas 78333-0331

OR91-242

Dear Mr. Paisley:

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# 12342.

You received a request for information under the Open Records Act on April 11, 1991. You requested a decision from this office on April 24, 1991. Consequently, you failed to request a decision within the ten days required by section 7(a) of the act.

Section 7(a) of the act requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.*

We note that the requested information is not deemed confidential under the Open Meetings Act, V.T.C.S. article 6252-17, merely because it was presented during an executive session. *See* Open Records Decision No. 485 (1987) (copy enclosed). Consequently, the petition does not come under the protection of section 3(a)(1).

You have not shown compelling reasons why the information at issue should

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not be released. Unless you submit to this office within 14 days of the date of this letter compelling reasons why the requested information should be withheld, this office will deem the information as public.

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 OR91-242.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/RWP/lb

Ref: ID# 12342

Enclosure: Open Records Decision No. 485