



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1993

Ms. Gretchen Kuehn Bohnert  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR93-284

Dear Ms. Bohnert:

You ask whether certain information requested by Ms. Veronica Torrez-Hurst is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19265.

The City of Houston received Ms. Torrez-Hurst's request for information under the Open Records Act on February 9, 1993. You requested a decision from this office on March 8, 1993. Consequently, you failed to request a decision within the ten days required by section 7(a) of the act.

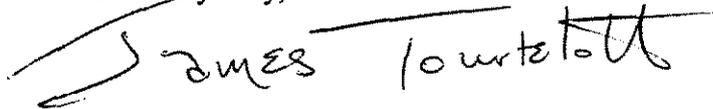
Section 7(a) of the act requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days 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.*

You have not shown compelling reasons why the information at issue should not be released. The information is presumed to be public and must be released. Because case law and prior published open records decisions resolve your request, we are resolving

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this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink that reads "James Tourtelott". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

James Tourtelott  
Assistant Attorney General  
Opinion Committee

JET/RWP/le

Ref: ID# 19265  
ID# 19279

cc: Ms. Veronica Torrez-Hurst  
Graves & Sandridge  
2047 W. Main, Suite C-8  
League City, Texas 77573