



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 30, 1994

Ms. Deborah G. Hamlyn
Director
Community and Human Development
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR94-617

Dear Ms. Hamlyn:

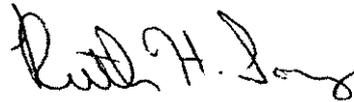
You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27077.

The City of El Paso (the "city") received two separate written requests for information concerning a proposal submitted to the city. Both requests were from the same requestor. In each request the requestor asked for information concerning staff scoring of a proposal submitted to the city and the funding recommendations. You indicate that the city has supplied all of the information requested except for some information that does not exist and the names of staff members who provided recommendations about the proposal and funding. Although the requestor did not specifically ask for names of staff members in either request, you apparently have determined that this information is responsive to the requests.

The first request to the city was stamped as being received by the city June 3, 1994. Your letter to this office seeking an open records decision was dated June 16, 1994. You therefore failed to request a decision from this office within the 10 days required by section 552.301 of the Government Code. Section 552.301 requires a governmental body to release the requested information or to request a decision from the attorney general within 10 days of receiving the request if it is information the governmental body wishes to withhold. If the governmental body fails to request a decision within 10 days of receiving the open records request, the information at issue is presumed public. Gov't Code § 552.302.

The governmental body must show a compelling reason to overcome this presumption, such as another law that requires confidentiality or protection of third party interests which have been recognized by the courts. *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 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision Nos. 319 (1982); 150 (1977). Since there is no such compelling reason apparent in this situation, the information must be released to the requestor. We are resolving this matter with an 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,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LRD/rho

Ref.: ID# 27077

Enclosures: Submitted documents

cc: Ms. Cindy Arnold
Development Coordinator
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(w/o enclosures)

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