



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 21, 1995

J. Bruce Nixon, D.V.M.  
President, Board of Trustees  
Tyler Independent School District  
P.O. Box 2035  
Tyler, Texas 75710

OR95-414

Dear Mr. Nixon:

You ask 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# 33910.

The Tyler Independent School District (the "district") received a request for information under the Open Records Act from Mr. Kelly Crawford on April 13, 1995. You did not request a decision from this office regarding Mr. Crawford's request until May 22, 1995. Consequently, you failed to request a decision within the ten days required by section 552.301(a) of the Government Code.

Section 552.301(a) 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. Gov't Code § 552.302; *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 *Hancock*, 797 S.W.2d at 381.

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.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta R. DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref: ID# 33910

Enclosures: Submitted documents

cc: Mr. Kelly Crawford  
KETK-TV  
4300 Richmond Road  
Tyler, Texas 75703  
(w/o enclosures)