



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 22, 1995

Mr. Richard D. Monroe  
Deputy General Counsel  
Texas Department of Transportation  
Dewitt C. Greer State Highway Building  
125 East 11th Street  
Austin, Texas 78701-2483

OR95-1598

Dear Mr. Monroe:

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# 36811.

The Texas Department of Transportation (the "department") received four requests for information. You assert that the requested information is excepted from required public disclosure pursuant to section 552.111 of the Government Code. You submitted representative samples of the requested information.<sup>1</sup>

The first request is dated September 29, 1995. The second request is dated October 3, 1995. Both of the last two requests are dated October 23, 1995. As the requests for information were made on department forms, we assume the department received the requests on those days. The department asked this office for an open records ruling on the requested information on October 27, 1995. Thus, as to the two earlier

---

<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

requests, the department has missed the ten-day statutory deadline for raising an exception to the disclosure of the requested information. *See* Gov't Code § 552.301. Thus, in regard to the information responsive to the September 29, 1995 and October 3, 1995 requests, the department has waived section 552.111 of the Government Code. *See* Open Records Decision No. 515 (1988); Gov't Code § 552.302.

The information you enclosed as a representative sample of the requested information appeared to us to be responsive to both the two earlier and the October 23, 1995 requests. You confirmed by telephone that is so. Accordingly, notwithstanding the fact that the department timely raised section 552.111 in regard to the October 23, 1995 requests, because the department waived section 552.111 in regard to the earlier requests, the requested information is public.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 36811

Enclosures: Submitted documents

cc: Mr. Harold L. Wiesenhutter  
530 Dennis Drive  
Round Rock, Texas 78664  
(w/o enclosures)

Ms. Rexanne G. Meaux  
5102 Split Cedar Cove  
Austin, Texas 78735  
(w/o enclosures)