



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 7, 1997

Mr. Paul C. Isham  
City Attorney  
City of Grand Prairie  
P.O. Box 534045  
Grand Prairie, Texas 75053-4045

OR97-0500

Dear Mr. Isham:

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# 104527.

The City of Grand Prairie (the "city") received an open records request from Mr. R.D. Snow for records pertaining to his employment with the city. In your request for an open records decision, you argued that the requested information was excepted from required public disclosure pursuant to sections 552.102 and 552.103 of the Government Code. You did not, however, submit to our office at that time copies of the records at issue. See Gov't Code § 552.301(b).

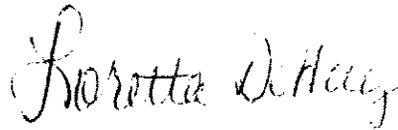
Pursuant to section 552.303(c) of the Government Code, on January 9, 1997, our office notified you by letter sent via facsimile that you had failed to submit information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), failure to comply would result in the legal presumption that the requested information is public information.

You did not provide our office with the information that was requested in our January 9, 1997, notice to you. Therefore, as provided by section 552.303(e), the requested information is presumed to be public absent a demonstration that a compelling interest exists for withholding the information. See *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982).

Because you have not presented this office with compelling reasons for withholding the requested information, we deem these exceptions to disclosure as being waived. Consequently, the requested records must be released in their entirety.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/rho

Ref.: ID# 104527

cc: Mr. R.D. Snow  
c/o Mr. James A. Wirz  
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