Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 30, 1997

Mr. Mark C. Goulet
Walsh, Anderson, Underwood,
Schulze, Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

OR97-1501

Dear Mr. Goulet:

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# 107109.

The Lubbock Independent School District ("district") received a request for "all LISD financial reports and accounts payable ledgers authored by LISD accounting personnel listing LISD's expenditure of public funds that have been paid to the lawfirm of Walsh, Anderson, Shulze, & Aldridge, P.C." for a specified period of time. The district claims that section 552.103 of the Government Code excepts the records from required public disclosure.

We note at the outset that the district apparently received the request on March 5, 1997, but you did not request a ruling from this office until March 26. Generally, if a governmental body wishes to withhold information in response to a request and there has not been a previous determination regarding the availability of the information, the governmental body is required to ask this office for a decision within ten days of receiving the request for information. Gov't Code §552.301. In this case, we conclude that the district was required to request a ruling from this office in response to the instant request because we have issued a previous determination on only part of the requested information. In Open Records Letter No. 97-0012 (1997), we concluded that the district could withhold under section 552.103 "information regarding expenditure of public funds (all of LISD's financial/accounting records) pertaining to payments made to and/or any billing statements received from the law firm of Walsh, Anderson, Schulze & Aldridge, P.C." from September 1, 1990, through October 2, 1996. Thus, the district may only withhold under section 552.103 that part of the requested information that was also at issue Open Records Letter No. 97-0012 (1997).

You did not request a ruling from this office within the ten-day deadline in section 552.301 for the remaining billing records from October 3, 1996, through March 5, 1997. When a governmental body fails to request a decision within 10 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. Therefore, the billing records from October 3, 1996, through March 5, 1997, are presumed to be public and must be released.

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,

Loretta DeHay

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 107109

Enclosures: Submitted documents