



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 16, 1997

Ms. Maria Elena Ramon  
Legal Services Division  
Texas General Land Office  
Stephen F. Austin Building  
1700 North Congress Avenue  
Austin, Texas 78701-1495

OR97-2300

Dear Ms. Ramon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110061.

The General Land Office received a request for the Oil Spill Response Plans of four named companies. You contend that the plan submitted by Formosa Plastics may be excepted from required public disclosure.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that you seek to withhold, Formosa Plastic's Oil Spill Response plan.

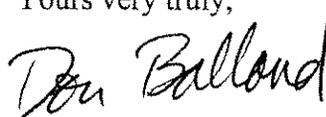
Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated September 5, 1997, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue was presumed public.

As of the date of this letter you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the

subject of this request for information is presumed to be public information. Information that is presumed public must be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *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). *See, e.g.*, 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests). We notified Formosa Plastics about the request; however, it did not respond to our notification or raise any exception to disclosure. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, the requested information is presumed public. Open Records Decision No. 195 (1978).

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,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 110061

cc: Ms. Rachel M. Fagan  
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