



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 25, 1998

Dr. Gene A. Braught
Mayor
City of Weslaco
500 South Kansas
Weslaco, Texas 78596-6285

OR98-0797

Dear Dr. Braught:

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# 114186.

The City of Weslaco received an open records request for certain information you contend is excepted from required public disclosure pursuant to section 552.103 of the Government Code. You did not, however, submit to our office at that time all of the information this office requires to reach an open records decision. See Gov't Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on February 4, 1998, 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), *id.*, 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 February 4, 1998 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 Government Code section 552.302); Open Records Decision No. 319 (1982).

Because you have not presented this office with compelling reasons for withholding the requested information pursuant to section 552.103, we deem this exception 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 114186

Enclosure: Submitted document