



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1998

Ms. Billye Foster
Superintendent
Marietta Independent School District
Route 1, Box 1001
Marietta, Texas 75566

OR98-1750

Dear Ms. Foster:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116956.

The Marietta Independent School District (the "district") received a request for information relating to bids for the gym roof replacement. You ask whether the district may release the information, but you express a reluctance to release the information since the district has not yet selected a bid and awarded a contract.

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 bidding information that is at issue.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated May 21, 1998, 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 is public information.

You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information at issue is presumed to be public information. 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, you must release the information. Open Records Decision No. 195 (1978).¹

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 116956

cc: Mr. Tommy Doty
Source Construction
1001 East 14th Street
Joshua, Texas 76058

¹We note that the distribution of confidential information is a criminal offense. Gov't Code § 552.352.