



June 14, 1999

Ms. Kit Cahill  
Senior Counsel  
San Antonio Water System  
P.O. Box 2449  
San Antonio, Texas 78298-2449

OR99-1646

Dear Ms. Cahill:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125491.

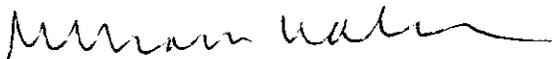
The San Antonio Water System (the "system") received a request for a copy of a proposal submitted to the system by PlanGraphics (the "company") and the contract subsequently entered into between the company and the system. You do not raise any exceptions to disclosure of the requested information. However, you indicate that the company agreed to the release of the requested information except for a copy of the company's financial statement included in the information responsive to the request. You ask whether the system may withhold the financial statement.

Under the Texas Public Information Act, all information held by governmental bodies is open unless it falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). However, in cases such as this one, where a third party's privacy or property interests are implicated, the governmental body may rely on the third party to establish that the information should be withheld under applicable exceptions intended to protect those interests. Gov't Code § 552.305; Open Records Decision No. 542 (1990). The act does not require that this office raise and consider exceptions that have not been raised.

We have notified the company pursuant to section 552.305 and invited it to submit arguments why the financial statement in question may be withheld from disclosure. The company notified this office, by its letter of May 7, 1999, that it was withdrawing its request to have portions of the financial statement withheld. Accordingly, you must release the financial statement to the requestor along with the other information responsive to the request.

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.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/eaf

Ref.: ID# 125491

encl. Submitted documents

cc: Mr. Keith W. Kite  
Marketing Manager  
Landata GEO Services, Inc.  
5411 Jacksonwood  
San Antonio, Texas 78238  
(w/o enclosures)