



October 29, 1999

Ms. Emily Den  
Special Assistant to the General Superintendent  
Legal Services  
Dallas Public Schools  
3700 Ross Avenue  
Dallas, Texas 75204-5491

OR99-3050

Dear Ms. Den:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130436.

The Dallas Independent School District ("DISD") received a request for information relating to bills submitted to the district by a particular law firm and by all outside counsel for the past two years. You claim that the requested information is excepted from public disclosure under sections 552.103 and 552.107 of the Government Code.

The request to the DISD is stamped with a date received of September 29, 1999. You faxed your request and some supporting documents to this office on October 14, 1999, more than ten business days after your receipt of the written request. Consequently, you failed to request a decision within the ten business days required by section 552.301(a) of the Government Code.

Section 552.301(a) requires a governmental body to release requested information or to request a decision from the attorney general within ten business days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten business 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 Publ'g Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319

(1982). The information requested "must be released unless there is a compelling reason to withhold the information." Gov't Code, § 552.302. This office has previously held that the fact that information may be protected by the attorney-client privilege is an insufficient basis to overcome the presumption of openness arising from the failure to meet the ten-day deadline. Open Records Decision No. 630 (1994). You have not shown a compelling reason why the information at issue should not be released. The information is presumed to be public and must be released.<sup>1</sup>

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,



Patricia Michels Anderson  
Assistant Attorney General  
Open Records Division

PMA/ch

Ref: ID# 130436

Encl. Submitted documents

cc: Ms. Miriam Rozen Via Facsimile - (972) 248-1639  
(w/o enclosures)

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<sup>1</sup>Because you must release the requested information, we do not address the question of whether a requestor may be required to pay the costs of redacting.