



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2009

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2009-03328

Dear Ms. Graham:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 337042.

The City of Mesquite (the "city") received a request for all records of outstanding checks and refundable deposits that have not escheated to the State Treasurer or the Unclaimed Property Division, and three separate requests for a list of backflow business. You argue that the submitted information should not be released, but you claim no specific exceptions under the Act. We have considered your arguments and reviewed the submitted information.

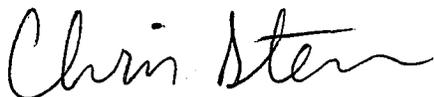
You argue only that disclosure of the submitted information serves no public purpose and would provide the requestors with a profitable opportunity. However, this office has determined the Act does not permit the consideration by a governmental body or this office of a requestor's intended use of information when responding to open records requests. *See* Gov't Code §§ 552.222(a) (stating governmental body may not inquire into purpose for which information will be used), 552.223 (requiring uniform treatment of all open records requests); *see* Open Records Decision Nos. 508 (1988) at 2 (motives of a person seeking information under the Act are irrelevant), 51 (1974). Therefore, the city may only withhold the submitted information if it is excepted from disclosure under the Act or made confidential by law. However, you raise no exceptions to disclosure that you believe apply to the submitted information. *See* Gov't Code §§ 552.301(b), 552.301(e)(2); Open Records Decision Nos. 542 (1990) (concluding that Act places on governmental body burden of establishing which exceptions apply to requested information and why), 532 (1989), 515

(1988), 252 (1980). Accordingly, as you have not complied with section 552.301, the submitted information is presumed public and must be released to the requestors unless a compelling reason for non-disclosure exists. See Gov't Code § 552.302. As you have not provided a compelling reason for non-disclosure, the submitted information must be released to the requestors.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 337042

Enc. Submitted documents

c: Requestor
(w/o enclosures)