



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2009

Mr. Armando B. Gonzalez
Robstown Improvement Development Corporation
P.O. Box 872
Robstown, Texas 78380

OR2009-09437

Dear Mr. Gonzalez:

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# 348618.

The Robstown Improvement Development Corporation ("RIDC") received a request for six categories of information related to international travel. You claim the requested information is excepted from disclosure under "the respective exceptions to disclosure" of chapter 552 of the Government Code. We have considered your arguments. We have also considered comments submitted by the requestor. See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We must address RIDC's obligations under section 552.301 of the Government Code, which prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. Additionally, within fifteen days of receiving the request, the governmental body must 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; (3) a signed statement or sufficient evidence showing the date the governmental body received the written request; and (4) a copy of the specific information requested or representative samples thereof, labeled to indicate which exceptions apply to which parts of the documents. *Id.* § 552.301(e). You state that RIDC received the request "[o]n or about April 20, 2009." By letter postmarked May 4, 2009, you submitted a copy of the written request for information and requested a decision from this office. However, as

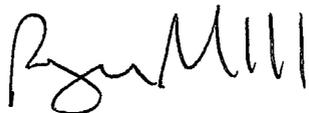
of the date of this ruling, you have not submitted any of the following required items to this office: (1) a statement of the specific exceptions that apply to the requested information; (2) comments explaining why the claimed exceptions apply; (3) a signed statement or sufficient evidence showing the precise date RIDC received the request; and (4) copies of the information requested, or representative samples thereof, labeled to indicate which exceptions apply to which parts of the documents. Accordingly, we find that RIDC has failed to comply with the procedural requirements of section 552.301.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released; the governmental body can overcome this presumption only by demonstrating a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ); Open Records Decision No. 319 (1982). A compelling reason generally exists when third-party interests are at stake or when information is confidential under other law. Open Records Decision No. 150 (1977). In this instance, you have not raised any specific exceptions to disclosure or informed this office that any third-party interests may be at stake. Therefore, we conclude that RIDC must release the information at issue to the requestor.¹

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,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/rl

¹If you believe the requested information is confidential and may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

Ref: ID# 348618

Enc. Submitted documents

cc: Requestor
(w/o enclosures)