



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 18, 2009

Ms. Winifred Dominguez  
Walsh, Anderson, Brown, Aldridge & Gallegos, P.C.  
P.O. Box 460606  
San Antonio, Texas 78246

OR2009-13199

Dear Ms. Dominguez:

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# 355787.

The Bastrop Independent School District (the "district"), which you represent, received a request for information relating to an investigation of allegations concerning the district's bus transportation contractor. You claim that the requested information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

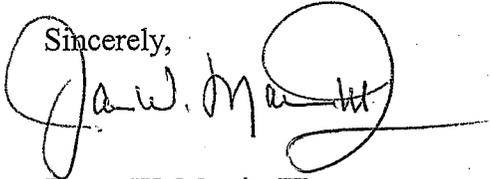
We note that section 552.022 of the Government Code provides for required public disclosure of "a completed report, audit, evaluation, or investigation made of, for, or by a governmental body," unless the information is expressly confidential under other law or excepted from disclosure under section 552.108 of the Government Code. Gov't Code § 552.022(a)(1). You explain that the board of trustees ordered an investigation of the district's bus transportation contractor. You inform us that the district conducted an investigation that resulted in the preparation of the submitted information. Based on your representations and our review of the information at issue, we find that the submitted information consists of completed reports made of, for, or by the district. Therefore, the submitted information must be released pursuant to section 552.022(a)(1) unless it is expressly confidential under other law or excepted from disclosure under section 552.108. The district does not claim an exception under section 552.108. Although the district does seek to withhold the submitted information under section 552.116 of the Government Code, that section is a discretionary exception to disclosure that protects a governmental body's

interests and may be waived. *See id.* § 552.007; Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). As such, section 552.116 is not other law that makes information expressly confidential for the purposes of section 552.022(a)(1). Therefore, the district may not withhold any of the information at issue under section 552.116 of the Government Code. As the district claims no other exception to disclosure, the submitted information must be released in its entirety.

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](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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is written in a cursive style with a large, looping initial "J".

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/dls

Ref: ID# 355787

Enc: Submitted documents

c: Requestor  
(w/o enclosures)