



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 11, 2013

Mr. Nicholas J. Wagoner  
Rogers, Morris & Grover, L.L.P.  
5718 Westheimer Road, Suite 1200  
Houston, Texas 77057

OR2013-02428A

Dear Mr. Wagoner:

This office issued Open Records Ruling No. 2013-02428 on February 12, 2013. In that ruling, we determined, in part, that the Austin Independent School District (the “district”), which you represent, had not furnished satisfactory proof the required information was deposited in the mail within the deadlines prescribed by section 552.301 of the Government Code. *See* Gov’t Code §§ 552.301(b), (e), .302, .308. You have now provided this office with an affidavit demonstrating the district timely submitted the required information. Therefore, we have determined that we will correct the previously issued ruling. *See generally* Gov’t Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the “Act”), chapter 552 of the Government Code). Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on February 12, 2013. Your request was assigned ID# 485199.

The district received a request for “all paid purchase orders” from a specified account during a particular time period. You claim the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov’t Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

The submitted information is subject to section 552.022(a)(3) of the Government Code. Section 552.022(a)(3) provides that “information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body” is subject to

required public disclosure unless it is made confidential under this chapter or "other law." *Id.* § 552.022(a)(3). Although you raise section 552.103 of the Government Code for the submitted information, this section is a discretionary exception to disclosure and does not make information confidential under the Act. *See Dallas Area Rapid Transit v. Dallas Morning News*, S.W.3d 69, 475-6 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). Therefore, the district may not withhold any portion of the submitted information under section 552.103 of the Government Code. As the district raises no other exception to disclosure, the submitted information must be released.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 485199

Enc. Submitted documents

c: Requestor  
(w/o enclosures)