



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2015

Ms. Vicki O'Dell
Chairman
Copperas Cove Chamber of Commerce
204 East Robertson Avenue
Copperas Cove, Texas 76522

OR2015-17028

Dear Ms. O'Dell:

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# 575661.

The Copperas Cove Chamber of Commerce and Visitors Bureau (the "chamber") received two requests from the same requestor for copies of bank statements for a specified bank account for a specified time period. The chamber claims the requested information is excepted from disclosure under sections 552.136 and 552.143 of the Government Code. We have considered the claimed exceptions.

We must address the chamber's procedural obligations under section 552.301 of the Government Code when requesting a decision from this office under the Act. Pursuant to section 552.301(e), a governmental body must submit to this office within fifteen business days of receiving an open records request (1) 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, labeled to indicate which exceptions apply to which parts of the documents. Gov't Code § 552.301(e). The chamber states it received the first request for information on June 3, 2015, and the second request on June 9, 2015. Accordingly, the fifteen-business-day deadline for the first request was June 24, 2015, and the fifteen-business-day deadline for the second request was on June 30, 2015. As of the date of this letter, we have not received arguments explaining why the claimed exceptions apply

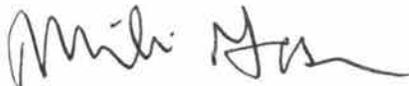
or a copy or representative sample of the information requested. Consequently, we find the chamber failed to comply with section 552.301(e) of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with section 552.301 results in the legal presumption the requested information is public and must be released unless a compelling reason exists to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); *see also* Open Records Decision No. 630 (1994). Generally, a compelling reason to withhold information exists where some other source of law makes the information confidential or where third party interests are at stake. Open Records Decision No. 150 at 2 (1977). Although the chamber raises sections 552.136 and 552.143 of the Government Code, which provide compelling reasons to overcome the presumption of openness, because the chamber has not submitted the information to this office for our review, we have no basis for finding it excepted from disclosure under these exceptions. Therefore, we have no choice but to order the chamber to release the responsive information in accordance with section 552.302 of the Government Code. If the chamber believes the information is confidential and may not lawfully be released, the chamber must challenge this ruling in court pursuant to 552.324 of the Government Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Mili Gosar", written in a cursive style.

Mili Gosar
Assistant Attorney General
Open Records Division

MG/akg

Ref: ID# 575661

c: Requestor