



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 27, 2017

Mr. Edwin Sullivan
Counsel for Management and Training Corporation
Oberti Sullivan L.L.P.
712 Main Street, Suite 900
Houston, Texas 77002

OR2017-14241

Dear Mr. Sullivan:

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# 663343.

The Management and Training Corporation ("MTC") received a request for specified categories of information pertaining to the requestor. MTC states it has produced some of the requested information to the requestor, but claims the remaining requested information is excepted from disclosure under sections 552.107 and 552.111 of the Government Code. We have considered the claimed exceptions. 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).

Initially, we must address the procedural obligations of MTC under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(e)(1)(D), a governmental body must submit to this office within fifteen business days of receiving an open records request 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)(1)(D). MTC received the request for information on April 4, 2017. However, as of the date of this letter, MTC has not

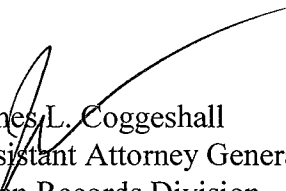
submitted a copy or representative sample of the requested information.¹ Therefore, MTC failed to comply with the procedural requirements mandated by section 552.301(e).

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 unless there is a compelling reason 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 (Tex. App.—Austin 1990, no writ). Although MTC raises exceptions to disclosure, because it has not submitted the requested information for our review, we have no basis for finding any of the information excepted from disclosure. Thus, we have no choice but to order the requested information be released pursuant to section 552.302.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

¹MTC indicates it has not submitted the information at issue because “to do so in this case would potentially waive the privilege against disclosure.” However, we note section 552.3035 expressly prohibits this office from disclosing information that is the subject of a request for an attorney general decision. *See Gov't Code* § 552.3035 (attorney general may not disclose to requestor or public any information submitted under section 552.301(e)(1)(D)). Accordingly, this office routinely receives and reviews information that governmental bodies seek to withhold under the Act.

Ref: ID# 663343

c: Requestor