



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

August 16, 1974

The Honorable John C. Ross, Jr.
City Attorney
Room 203, City-County Building
El Paso, Texas 79901

Open Records Decision No. 45

Re: Copies of Electrical
Permits issued by
city.

Dear Mr. Ross:

Pursuant to Sec. 7(a) of Article 6252-17a, V. T. C. S., the Open Records Act, you have requested our decision as to whether copies of electrical permits issued by the Department of Public Inspection of the City of El Paso are excepted from disclosure by Sec. 3(a)(4) as "information which, if released, would give advantage to competitors or bidders." Access to this information was denied to representatives of a local labor union.

A permit, or license, is formal permission granted by the proper authority to perform certain acts or to carry on a certain business, which, without such permission, would be illegal. City of Houston v. Richter, 157 S. W. 189 (Tex. Civ. App. --Galveston 1913, no writ). Here, where the information requested is a record of the city's exercise of its licensing authority, that record would appear to be the type considered a "public record" even before the adoption of the Open Records Act. See Open Records Decision No. 39 (1974); Morris v. Smiley, 378 S. W. 2d 149, 152 (Tex. Civ. App. --Austin 1964, err. ref'd., n. r. e.).

While the limits of the exception concerning competitors and bidders has not been fully developed either in case law or in our decisions under the Act, we do not believe that it could be extended so far as to restrict

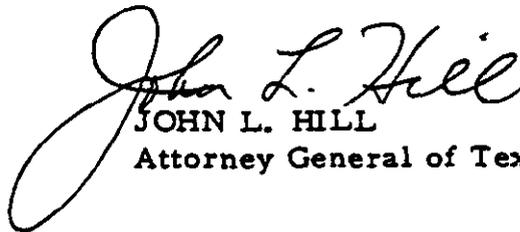
The Honorable John C. Ross, Jr., page 2

access to general information concerning the location and general nature of the work proposed or in progress, such as is available on the sample application for an electrical permit you provided.

In Open Records Decision No. 8(1973), we determined that information in applications for Limited Sales Tax Permits issued by the State is not excepted from disclosure by any provision of the Act. Similarly, we do not believe that the official record of a city's exercise of its licensing authority over electrical installations is excepted from disclosure.

It is our decision that the information requested is public information and should be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Staff Legislative Assistant


DAVID M. KENDALL, Chairman
Opinion Committee