



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1994

Mr. Burton F. Raiford
Commissioner
Texas Department of Human Services
P.O. Box 14930
Austin, Texas 78714-9030

OR94-349

Dear Commissioner Raiford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 24488.

The Texas Department of Human Services (the "department") has received a request for information regarding a particular client. The request is from an attorney who represents the client in connection with a personal injury matter against the department. You assert that the information is excepted from required public disclosure under section 552.103(a) of the act.

Section 552.301(a) of the act requires a governmental body that receives a request for information to request an open records ruling from this office within ten calendar days. If the governmental body does not request a ruling within that time, the information is presumed to be open to the public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ). This presumption can be overcome only by a showing that the information is confidential under some other source of law or that third-party interests are at stake. See Open Records Decision Nos. 586 (1991); 150 (1977).

You state that the department's San Angelo office received this request for information on December 22, 1993. The department's request for a ruling is dated February 3, 1994, more than a month after the expiration of the ten-day deadline. We have reviewed the information you have submitted to this office. None of the

information is confidential under some other source of law.¹ Furthermore, section 552.103 protects governmental interests, not the interests of third parties. *See* Open Records Decision No. 542 (1990). You have demonstrated no compelling interest that would overcome the presumption of openness arising from the department's failure to comply with the ten-day deadline. *See* Open Records Decision No. 473 (1987) (noting that it is more difficult to establish a compelling reason for withholding information under section 552.103 than under 552.101). Therefore, the information may not be excepted from required public disclosure under the act and must be released.

If you have questions about this ruling, please contact our office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/LRD/sbm

Ref.: ID# 24488

Enclosures: Submitted documents

cc: Mr. Tom Webb
Webb, Stokes & Sparks, L.L.P.
P.O. Box 1271
San Angelo, Texas 76902
(w/o enclosures)

¹To the extent that the records contain private information about the client, we note that he has a special right of access to private information about himself. *See* Gov't Code § 552.023.