



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 18, 1994

Ms. Viola Higgenbottom
Executive Director
Beeville Housing Authority
P.O. Box 427
Beeville, TX 78104

OR94-447

Dear Ms. Higgenbottom:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (formerly article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 26021.

You received an open records request on March 31, 1994, for a list of names and former addresses of individuals who have moved out of the housing authority and who still owe for repairs. You requested a decision from this office on April 18, 1994. Consequently, you failed to request a decision within the ten days required by section 552.301(a) (formerly section 7(a)) of the Government Code.

Section 552.301 through section 552.302 (formerly section 7(a)) of the Government Code requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling reason to withhold the information to overcome this presumption. *See id.*

¹The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

You have not shown a compelling reason why the information at issue should not be released. You explain you are concerned that releasing the names at issue would invade the privacy of the individuals. However, the names and addresses of individuals who live or have lived in subsidized housing are not protected by privacy. Open Records Decision No. 318 (1982). Therefore, the information requested in this case is presumed to be public and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Opinion Committee

MAR/PIR/rho

Ref: ID# 26021

Enclosure: Open Records Decision No. 318

cc: Mr. Ysidro Arismendez
1513 West Milam
Beeville, TX 78102
(w/o enclosure)