



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 17, 1996

Mr. Dennis J. Eichelbaum  
Schwartz & Eichelbaum, P.C.  
General Counsel for  
Dallas Independent School District  
3700 Ross Avenue, Box 69  
Dallas, Texas 75204-5491

OR96-0052

Dear Mr. Eichelbaum:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36773.

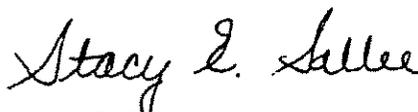
The Dallas Independent School District (the "district") received an open records request for, *inter alia*, "all records not included in the exhibits attached to the DISD Internal Investigation Report." The referenced report apparently pertained to an investigation conducted by Royce West and Ted Steinke. You requested an attorney general decision from this office on October 25, 1995, seeking to withhold certain "attorneys' notes" from public disclosure pursuant to section 552.103 of the Government Code. You did not, however, submit to our office certain information that is required to be submitted to our office under section 552.301(b). Specifically, you did not submit to us a copy of the records at issue.

Pursuant to section 552.303(c) of the Government Code, on November 9, 1995, our office notified you by letter sent via facsimile that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), failure to comply would result in the legal presumption that the requested information is public information.

You did not provide our office with the information that was requested in our November 9, 1995 notice to you.<sup>1</sup> Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public. Information that is presumed public must be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See 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 Gov't Code § 552.302); Open Records Decision No. 319 (1982). You have not shown compelling reasons why the information at issue should not be released. Therefore, all records coming within the ambit of the request are presumed to be public and must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/RWP/rho

Ref.: ID# 36951

cc: Mr. Robert Riggs  
Reporter  
WFAA-TV  
Communications Center  
606 Young Street  
Dallas, Texas 75202-4810

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<sup>1</sup>Your contention that the records at issue are not subject to the Open Records Act because they "do not belong to the government" is without merit. *Cf.* Open Records Decision No. 499 (1988) (as a general rule, records held by private attorney that relate to legal services performed by the attorney at request of municipality are subject to Open Records Act).