



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 8, 1996

Ms. Tiffany Haertling
Hayes, Coffey & Berry
P.O. Box 50149
Denton, Texas 76206

OR96-0678

Dear Ms. Haertling:

You have asked whether certain information is subject to required public disclosure under Government Code chapter 552. We assigned your request ID# 38829.

The City of Argyle (the "city") received a request for information about convicted sex offenders. You have asked this office whether the city must release the requested information.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that was requested, or a copy of the request for information.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on April 22, 1996, 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 information at issue was presumed public.

You did not provide our office with the information that was requested. 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. 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). Therefore, unless you submit the requested information to this office and demonstrate that the information is confidential by law or that other compelling reasons exist as to why the information may not be released, the information is presumed public.¹

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

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 38829

cc: Kristin Sullivan
Fort Worth Star-Telegram
400 West 7th Street
Fort Worth, Texas 76101

¹We note that we are currently considering the scope of the confidentiality provided under article 6252-13c.1, V.T.C.S., in a pending open records decision, ORQ-8.