



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 14, 1996

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR96-1449

Dear Ms. Armstrong:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100481.

The Travis County District Attorney received a request for information relating to documents concerning the parole of Raul Meza, including documents provided to the parole board. The requestor also seeks "information relating to Meza's first offense of aggravated robbery and to his second offense of murder." You contend that some of the information at issue is made confidential pursuant to section 552.101 of the Government Code. Section 552.101 provides an exception from disclosure for "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments providing the reasons why the stated exceptions apply to the information at issue, (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 July 15, 1996, that you had failed to submit 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 pursuant to 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); *see also* Open Records Decision No. 150 (1977) (presumption of openness overcome by showing information was made confidential by other law or affects third party interests).

We note that this request appears to encompass information that is made confidential by law and thus must be withheld from disclosure. We have enclosed a list showing certain types of information that are confidential. To the extent that the responsive information is confidential, it must be withheld. Otherwise it must be disclosed.

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# 100481

Enclosures: Confidentiality list

cc: Mr. Shane Phelps  
P.O. No. 2013-182  
Austin, Texas 78768-2013  
(w/ confidentiality list)