



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 30, 1996

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

OR96-1557

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100743.

Travis County (the "county") received a request for all files concerning the investigation and prosecution of cause number 95-1856. You claim that the requested information is excepted from required public disclosure by sections 552.103, 552.108 and 552.111 of the Government Code.

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. You also did not submit written comments stating the reasons why every exception that you raised would allow the information to be withheld.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated July 15, 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.

Our records indicate that you did not provide this 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. In the absence of a demonstration that you timely submitted the information requested by our office, that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. *Open Records Decision No. 195 (1978)*. See also Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We note that this request may encompass information that is made confidential by law, and thus, must be withheld from disclosure. We have enclosed a sampling of certain types of information that are confidential. To the extent that the responsive information is confidential, it must be withheld. It otherwise must be disclosed. If you have any questions regarding this matter, please contact our office.

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,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 100743

Enclosures: List of Confidential Information

cc: Mr. Ted Mishtal  
Clark, Thomas & Winters  
P.O. Box 1148  
Austin, Texas 78707  
(w/o enclosures)