



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 10, 1996

Mr. E. Ross Craft, Esq.
Houston Regional HIV/AIDS Resource Group, Inc.
811 Westheimer, Suite 201
Houston, Texas 77006

OR96-1845

Dear Mr. Craft:

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# 101837.

The Houston Regional HIV/AIDS Resource Group, Inc. (the "Resource Group"), which you represent, received a request for information concerning the first and second round grant applications that the Resource Group received in the category of "Food Pantry." You ask what effect, if any, a recent court of appeals opinion has on the Resource Group's response to open records requests.¹

In accordance with section 552.301(b), the following items must accompany a request for an open records decision from 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 any of this information to us.

Pursuant to section 552.303(c) of the Government Code, this office notified you by letter dated August 29, 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

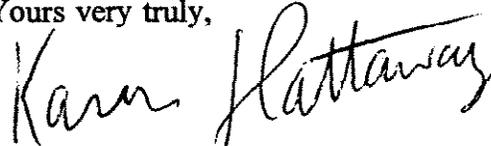
¹We note that the Open Records Act does not authorize this office to give advisory opinions, but only to determine whether specific information is subject to the Open Records Act. This office may render advisory opinions only to those public officials who are authorized by section 402.042 of the Government Code to request advisory opinions.

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 the 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). You have not shown such a compelling interest to overcome the presumption that the information at issue is public. Thus, the Resource Group must release the information at issue to the requestor.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 101837

cc: Mr. Scott Newar, Esq.
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