



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 27, 1997

Mr. Roberto Alvarado  
Executive Director  
Housing Authority of the City of El Paso  
P.O. Box 9895  
El Paso, Texas 79989

OR97-0634

Dear Mr. Alvarado:

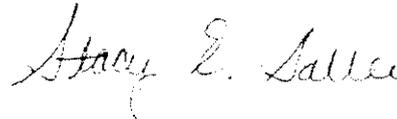
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. You assert that the requested information is excepted from required public disclosure under section 552.101 of the Government Code. Your request was assigned ID# 105190.

Section 552.301(b)(3) of the Government Code requires that a governmental body seeking an open records decision submit to this office for review "a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested." Gov't Code § 552.301(b)(3). On March 3, 1997, we requested that you submit this information within seven days of receipt of the notice. You did not send the information to this office until March 19, 1997, more than seven days after you received the notice. Although you claim that the requested information is excepted from disclosure under section 552.101, you have not explained how section 552.101 applies to the requested information. Section 552.301(b)(1) requires that a governmental body submit to this office written comments stating the reasons why the stated exception applies within fifteen days after receiving the request for information. Gov't Code § 552.301(b)(1).

Chapter 552 places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Your request for an open records decision remains incomplete. Without the information required to be submitted under section 552.301 of the Government Code, this office is unable to evaluate the exception you raised. Consequently, we find that you have not met your burden under chapter 552 and that the information, to the extent that it currently exists, is presumed to be public. See Gov't Code § 552.302; Open Records Decision No. 195 (1978).

In the absence of a demonstration 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* Gov't Code § 552.352 (distribution of confidential information is criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/alg

Enclosures: Submitted documents

Ref.: ID# 105190

cc: Mr. Raul Hernandez  
Reporter  
El Paso Herald-Post  
P.O. Box 20  
El Paso, Texas 79999  
(w/o enclosures)

Mr. Tom Wicker, Jr.  
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P.O. Box 2800  
El Paso, Texas 79999-2800  
(w/o enclosures)